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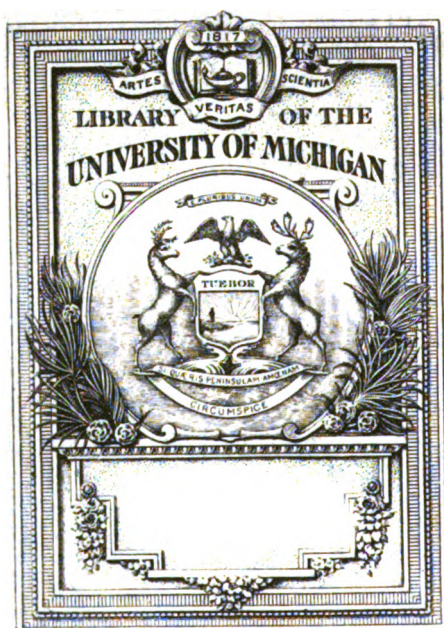
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*Virginia General assembly House of  
delegates*  
**JOURNAL**

OF THE

# HOUSE OF DELEGATES

OF THE

## STATE OF VIRGINIA



FOR THE

**EXTRA SESSION OF 1884.**

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**RICHMOND:**

**RUSH U. DERR, SUPERINTENDENT OF PUBLIC PRINTING.**

**1884.**

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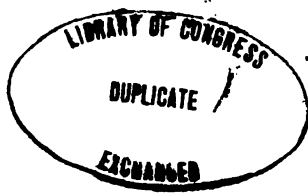
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# HOUSE JOURNAL.

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WEDNESDAY, AUGUST 13, 1884.

The House of Delegates was called to order by the SPEAKER at 12 o'clock M.

The proclamation of the governor was read by the clerk as follows:

## PROCLAMATION.

In obedience to a call made upon the governor, with the signatures of two-thirds of the total membership of each house of the General Assembly attached thereto:

I, William E. Cameron, governor of the commonwealth of Virginia, in pursuance of the constitution and laws, do hereby summon the members of the Senate and House of Delegates, constituting the General Assembly of the state of Virginia, to meet in extra session at their respective chambers in the capitol, at Richmond, at 12 o'clock, noon, on Wednesday, the 13th day of August, 1884.

In testimony whereof, I have hereto set my hand, and caused [Seal.] the seal of the commonwealth to be attached, at Richmond, this 28th day of July, 1884, in the 109th year of the commonwealth.

WILLIAM E. CAMERON.

By the Governor:

H. W. FLOURNOY,  
*Secretary of the Commonwealth.*

The roll was called, and the following members answered to their names:

Messrs. Speaker, R. J. Anderson, William A. Anderson, Chancellor Bailey, W. W. Baker, R. G. Banks, Robert T. Barton, Burdine Bishop, D. W. Bolen, J. T. Brockwell, M. W. Camper, Thomas A. Chapman, Joseph Christian, Thompson S. Crockett, John A. Curtis, James H. Darst, Amos A. Dodson, Thomas M. Dunn, James M. Dunlop, Edward Echols, William M. Ellis, A. Browne Evans, Thomas J. Evans, Thomas P. Fitzpatrick, A. C. Garnett, J. C. Gibson, Reuben L. Gordon, George C. Gose, George J. Grandstaff, George G. Grattan, William F. Graves, Duff Green, Armistead Green, Robert G. Griffin, A. W. Harris, Samuel G. Harrison, M. W. Hazlewood, Joseph Hobson, E. W. Hubbard, Charles P. Jones, T. W. Keen, George W. Kilgore, John W. Lawson, Joel B. Leftwich, Alfred Leigh, J. D. Luttrell, John B. McLin, James W. Marshall, R. G. Mauck, Abram F. Mays, Charles C. Meade, William W. Moffett, B. B. Munford, S. P. Mustard, L. M. Nance, R. B. Noblin, John N. Opie, John H. Overby, Matthew W. Paxton,

Herbert G. Peters, Henry R. Pollard, John W. H. Porter, John S. Powell, J. D. Pretlow, John Richardson, D. Mott Robertson, John H. Rosler, Joshua F. Ross, J. F. Ryan, Peter Saunders, Archer Scott, Samuel J. Seay, Thomas Smith, John F. Soule, L. R. Stewart, Robert M. Stribling, Robert B. Tabb, Daniel Trigg, John W. Vaughan, Robert H. Ward, M. C. Wheeler, Smith J. R. White, John E. Whitehead—88.

Eighty-three members present.

Ordered, That Mr. FITZPATRICK inform the Senate that the House is ready to proceed to business.

A message was received from the Senate by Mr. LOVENSTEIN, who informed the House that the Senate is ready to proceed to business.

A message was received from the Senate by Mr. THURMAN, who informed the House that the Senate had passed a concurrent resolution as follows:

Resolved (the House of Delegates concurring), That a joint committee consisting of two on the part of the Senate, and three on the part of the House of Delegates, be appointed to wait upon the governor and inform him that the General Assembly is now organized and ready to receive any communication he may desire to make.

The Senate resolution was agreed to.

Ordered, That Mr. GRAVES inform the Senate that the House had agreed to the resolution of the Senate.

The SPEAKER appointed Messrs. GRAVES, LAWSON, and GREEN of *Stafford*, the committee on the part of the House.

The committee subsequently by their chairman, reported that they had waited upon the governor, and that he would communicate to the General Assembly in writing.

Leave of absence was granted Mr. CARDWELL for three days.

On motion of Mr. BANKS, the chair was vacated for one hour.

The chair was resumed.

A message received from the governor was read as follows:

# COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, August 13, 1884.

*To the General Assembly of Virginia:*

On the 23d day of July last, I received an application signed by "two-thirds of the members of both houses of the General Assembly," requesting me to call a special session of that body to begin on this day. After full examination of the constitution and laws relating to the subject, I was forced to the conclusion that such a request formed a demand which the governor under his oath had no right to refuse. I therefore, on the 28th day of July, in obedience to that constitutional demand, issued the proclamation under which you have to-day assembled. Though there were errors of law which called for correction, and some matters upon which new legislation would be desirable, I did not then, nor do I now, recognize any such necessity as would have justified me (in the absence of the constitutional demand hereinbefore referred to), in convening a special session; but I did not and do not think that the spirit or letter of the law which I was sworn to execute left to the

governor any limit of discretion in defiance of the expressed wishes of two-thirds of the members of both houses.

I have now respectfully to await your action in development of the objects which in the judgment of two-thirds of your members rendered this session necessary.

I will with all possible promptitude furnish to the General Assembly such information as to the condition of the commonwealth as was not covered by previous communications.

WILLIAM E. CAMERON.

Mr. WARD offered the following resolution:

Resolved, That all bills introduced and printed during the late regular session of the General Assembly, shall not be printed if introduced during the present extra session, except by order of the House.

The House referred the resolution to the committee on printing.

Mr. MARSHALL, under a suspension of the rules, offered the following resolution:

Resolved, That the auditor of public accounts be and he is hereby respectfully requested to report, as early as practicable, the number of applications of disabled soldiers and marines which he has allowed, placed in class 1, and are unpaid; secondly, the number of applications of disabled soldiers and marines which he has allowed, placed in class 2, and are unpaid.

The resolution was agreed to.

The SPEAKER announced that the standing committees of last session will remain the committees of the present session, subject to such changes as may be necessary.

The following were presented and referred under rule 37:

By Mr. SMITH: A bill to repeal section 19 of an act entitled an act to provide for the working of roads in the county of Fauquier, approved February 24, 1876, and to amend and re-enact section 23 of said act, as amended and re-enacted by an act entitled an act to amend and re-enact sections 23, 24, 25, and 26, of an act approved February 24, 1876, entitled an act to provide for the working of roads in the county of Fauquier. Referred to the committee on counties, cities and towns.

By Mr. SMITH: A bill to authorize the board of supervisors of Fauquier county to increase the salary of the county judge of said county. Referred to the committee on counties, cities and towns.

By Mr. GRAVES: A bill to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter. Referred to the committee on finance.

By Mr. GRATTAN: A bill to provide for the restoration of certain records of the clerk's office of the county court of Rockingham county. Referred to the committee for courts of justice.

By Mr. DUNN: A bill to appropriate money to complete and equip the Central lunatic asylum of Virginia. Referred to the committee on asylums and prisons.

By Mr. KEEN: A bill for the relief of the estate of R. S. Slayton and his widow, Ann Slayton. Referred to the committee on asylums and prisons.

By Mr. HARRIS: A bill to incorporate the Virginia teachers state association. Referred to the committee on schools and colleges.

By Mr. LEFTWICH: A bill providing local option for Campbell county. Referred to the committee on finance.

By Mr. MUNFORD: A bill to amend and re-enact section 3 of an act approved March 7, 1884, entitled an act to amend and re-enact the charter of the town of North Danville. Referred to the committee on counties, cities and towns.

By Mr. DUNN: A petition of the board of the Central lunatic asylum, asking an appropriation of thirty thousand dollars to be used for the completion of the new lunatic asylum. Referred to the committee on asylums and prisons.

By Mr. OPIE: A joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000. Referred to the committee on finance.

By Mr. ECHOLS: A bill to incorporate the Dunsmore business college. Referred to the committee on schools and colleges.

By Mr. ROSLER: A bill making Rappahannock river, in the county of Essex, a lawful fence. Referred to the committee on counties, cities and towns.

By Mr. BARTON: A bill to amend sections 3 and 17, of chapter 178, of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error and supersedeas. Referred to the committee for courts of justice.

By Mr. GIBSON: A bill to prescribe the time for holding the terms of the circuit court in the sixth judicial circuit. Referred to the committee for courts of justice.

By Mr. ANDERSON of *Rockbridge*: A bill to amend and re-enact section 7 of an act entitled an act for the establishment of a State Female Normal school, approved March 7, 1884. Referred to the committee on schools and colleges.

By Mr. MARSHALL: A bill for the relief of John F. Jones, late treasurer of Craig county. Referred to the committee on finance.

By Mr. MARSHALL: A bill for the relief of the sureties of John F. Jones, late treasurer of Craig county. Referred to the committee on finance.

By Mr. STUART: A bill to amend and re-enact sections 6 and 8, of chapter 5, of the Code of 1873, establishing electoral districts and providing for the choice of electors. Referred to the committee of privileges and elections.

On motion of Mr. GRAVES, the house adjourned until to-morrow at 12 o'clock M.

THURSDAY, August 14, 1884.

The Journal was read by the clerk.

No. 1. House bill to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts and providing for the choice of electors, reported from the committee of privileges and elections, was read a first time.

The following House bills and joint resolution, reported from the committee on finance, were read a first time:

No. 2. House bill to declare the true intent and meaning and to amend and re-enact section 5 of chapter 84 of Acts of 1881-2, approved February 14, 1882, in relation to the public debt.

No. 3. House bill to provide for the reassessment of the real estate in this state in the year 1885, and every fifth year thereafter.

No. 4. House joint resolution authorizing the treasurer and second auditor to provide further safeguards for their respective offices.

No. 5. House bill to authorize the board of the Miller Manual Labor school, of Albemarle, to convert three per centum coupon bonds issued under the act of February 14, 1882, into registered bonds of the same class.

No. 6. House bill to direct the auditor of public accounts to turn over to the commissioners of the sinking fund, certain bonds in his custody.

No. 7. House bill to relieve R. J. Caldwell from the payment of a fine.

The following bills, reported from the committee for courts of justice, were read a first time:

No. 8. House bill to amend and re-enact section 3 and 17 of chapter 178 of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error and supersedeas.

No. 9. House bill to amend and re-enact an act to provide for authorizing religious congregations and other benevolent, literary and charitable institutions, which are not incorporated, to sell, exchange or incumber their property, approved January 31, 1884.

The following House bills, reported from the committee on counties, cities and towns, were read a first time:

No. 10. House bill to amend and re-enact sections 3 and 8 of an act approved March 7, 1884, entitled an act to amend and re-enact the charter of the town of North Danville.

No. 11. House bill to repeal section 19 of an act entitled an act to provide for the working of roads in the county of Fauquier, approved February 24, 1876, and to amend and re-enact section 23 of said act, as amended and re-enacted by an act entitled an act to amend and re-enact sections 23, 24, 25 and 26 of an act approved February 24, 1876, entitled an act to provide for the working of roads in the county of Fauquier.

No. 12. House bill to authorize the board of supervisors of the county of Fauquier to increase the salary of county judge of said county.

No. 13. House bill to enable the board of supervisors of Rockbridge to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county.

The SPEAKER laid before the House a communication, as follows:

OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES AND  
KEEPER OF THE PUBLIC ROLLS OF VIRGINIA,  
RICHMOND, August 14, 1884.

*To the General Assembly:*

I deem it my duty to make report of the matter in the mandamus case of John S. Wise vs. J. Bell Bigger, clerk of the House of Delegates and keeper of the rolls. Upon receipt of a copy of the rule of the supreme court of appeals at Wytheville served upon me, I engaged Major John W. Daniel and Judge Waller R. Staples to represent me, which action I hope meets your approval. My counsel made prompt answer when the case was called, and I was personally present in court. I have written for copies of all the papers in the case, including the opinion of the court, and as soon as they are received I will lay them before your honorable bodies, and make them a part of this report. It is needless for my humble self, inexperienced in judgment as to force and import of legal arguments, or for those who are much learned in law who also heard these gentlemen in the case, to say that they did most clearly and forcibly present and argue all the points, as their well-earned reputation as statesmen and lawyers would warrant such a conclusion without any expression here to that effect.

I am, very respectfully,

J. BELL BIGGER,  
*Clerk of House of Delegates and Keeper of the Rolls.*

The communication was referred to the committee for courts of justice.

Mr. BARTON, under a suspension of the rule, offered the following resolution:

Resolved, That the governor be requested to inform the General Assembly what action, if any, has been taken in obedience to a resolution of the House of Delegates passed the 19th day of March, 1884, requesting the investigation into the rights of the commonwealth to the property known as the Hygeia hotel, near Fortress Monroe, and the land adjoining thereto.

The resolution was agreed to.

Mr. BARTON offered the following resolution:

Resolved, That the register of the land office be required to furnish suitable committee rooms, at such convenient places as may be obtained, near to the capitol, for the committees for courts of justice, finance, and counties, cities and towns—

Which was agreed to.

Mr. SMITH offered the following resolution:

Resolved, That the committee for courts of justice be instructed to examine the election laws, and report such bills as may be found necessary.

The House refused to refer the resolution to a committee.  
The resolution was agreed to.

The following were presented and referred under rule 87:

By Mr. CAMPER: A bill to authorize the school boards of the several school districts of Botetourt county, to use surplus county school funds for the construction of school houses and enclosing and furnishing the same. Referred to the committee on schools and colleges.

By Mr. TABB: A bill authorizing the board of supervisors of Norfolk county, to appoint inspectors and measurers of grain, prescribe their duties, and fix their compensation. Referred to the committee on counties, cities and towns.

By Mr. GOSK: A bill to incorporate New Garden high school in Russell county. Referred to the committee on schools and colleges.

By Mr. TABB: A bill to regulate the compensation of the clerks of the county and district school boards of Norfolk county. Referred to the committee on schools and colleges.

By Mr. GRATTAN: A bill to amend and re-enact sections 1, 2, 3 and 7 of an act, approved March 3, 1884, entitled an act to amend and re-enact an act to incorporate the town of Bridgewater, approved February 7, 1835, and all acts amendatory thereof. Referred to the committee on counties, cities and towns.

By Mr. ANDERSON of *Pittsylvania*: A bill to amend and re-enact the first section of an act approved February 15, 1879, entitled an act providing for the rebinding of books of record. Referred to the committee for courts of justice.

By Mr. CAMPER: A bill to authorize county surveyors to administer oaths and affirmations. Referred to the committee for courts of justice.

By Mr. PETERS: A bill to provide for working the public roads in the county of Henry. Referred to the committee on counties, cities and towns.

By Mr. ANDERSON of *Pittsylvania*: A bill to amend and re-enact an act to provide for a general index to deeds, wills and fiduciary accounts, approved March 29, 1877. Referred to the committee for courts of justice.

By Mr. VAUGHAN of *Grayson*: A bill to amend an act incorporating the Lynchburg and Southwestern railroad company. Referred to the committee on roads and internal navigation.

By Mr. DUNN: A bill to amend and re-enact sections 3, 7, 10, 12 and 14 of chapter 102 of the Code of 1873, in reference to diseased cattle, and the appointment of inspectors therefor. Referred to the committee on agriculture and mining.

By Mr. STEWART: Memorial from the school board of Richmond county, asking compensation for services. Referred to the committee on schools and colleges.

By Mr. WARD: A bill for the relief of the estate of C. H. Lynch, of Campbell county. Referred to the committee on finance.

By Mr. KEEN: A bill to provide for the payment of the Danville Grays while in the service of the state. Referred to the committee on militia and police.

By Mr. GIBSON: A bill to change the name of Forster's Store voting precinct, in Culpeper county, to that of Richardsville voting precinct. Referred to the committee on counties, cities, and towns.

By Mr. PAXTON: A bill to amend and re-enact section 2 of an act to provide a charter for the town of Lexington, approved April 28, 1874. Referred to the committee on counties, cities, and towns.

By Mr. MUNFORD: A bill to amend and re-enact section 1 of chapter 116 of the Code of 1873, in relation to the appointment of official stenographers, and defining their powers. Referred to the committee for courts of justice.

By Mr. OPIE: A bill directing the agricultural commissioner to make monthly crop reports, and publish the same. Referred to the committee on agriculture and mining.

By Mr. MUNFORD: A bill to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884. Referred to the committee on roads and internal navigation.

The morning hour having expired, the House proceeded to the business on the calendar.

Mr. MUNFORD moved that No. 1, House bill to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts and providing for the choice of electors, be read a second time this day; which was agreed to—yeas 75; nays 10—two-thirds in the House so determining.

On motion of Mr. MUNFORD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Banks, Barton, Bishop, Bolen, Camper, Chapman, Christian, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gibson, Gordon, Gose, Grattan, Graves, Griffin, Griggs, Hazlewood, Hobson, Hubbard, Jones, Keen, Kilgore, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Mays, Charles C. Meade, Moffett, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Rosler, Ryan, Saunders, Scott, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, Wheeler, White and Whitehead—75.

NAYS—Messrs. Brockwell, Grandstaff, Duff Green, Armistead Green, Harrison, Mauck, S. P. Mustard, Parker, Ross and Stewart—10.

The bill was read a second time and ordered to be engrossed to be read a third time—yeas 70; nays 17.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bishop, Bolen, Camper, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Graves, Griffin, Hazlewood, Hobson, Hubbard, Jones, Keen, Kilgore, Lawson, Leftwich, Lee, Loving, Luttrell, McLin, Marshall, Mays, Moffett, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell,

Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—70.

**NAYS**—Messrs. Brockwell, Garnett, Gose, Grandstaff, Duff Green, Armistead Green, Harrison, Mauck, Charles C. Meade, S. P. Mustard, Parker, Rosler, Ross, Scott, Stewart, Wheeler, and White—17.

The bill being presently engrossed,

Mr. BARTON moved that it be read a third time this day; which motion was rejected—yeas 63; nays 24—not two-thirds in the House so determining.

On motion of Mr. ELLIS, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bolen, Camper, Chapman, Christian, Crocket, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Graves, Hazlewood, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, Mays, Moffett, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—63.

**NAYS**—Messrs. Bishop, Brockwell, Dodson, Garnett, Gose, Grandstaff, Duff Green, Armistead Green, Griffin, Harrison, Hubard, Kilgore, McLin, Mauck, Charles C. Meade, S. P. Mustard, Parker, Richardson, Rosler, Ross, Scott, Stewart, Wheeler and White—24.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate had agreed to the following joint resolution:

Whereas the R. E. Lee Camp, No. 1, of Confederate veterans, recently requested Lieutenant-Colonel Heros Von Borcke, formerly inspector-general of the cavalry corps of the army of northern Virginia, to present the sword worn by him during the war to the said veterans, to be by them presented to the state of Virginia; and whereas this weapon is a valuable historical relic associated with the personal and military achievements of General J. E. B. Stuart, on whose staff Colonel Von Borcke served with great distinction; and whereas the said sword has been presented to the Lee camp, as proposed, and is now in the hands of their committee, to be presented to the state; therefore be it

Resolved by the General Assembly, That the state of Virginia, appreciating the high manly qualities and virtues of Lieutenant-Colonel Heros Von Borcke, accepts the sword, and hereby directs the secretary of the commonwealth to place it among the relics preserved in the public library—

In which they respectfully request the concurrence of the House.

The Senate joint resolution was unanimously agreed to.

Ordered, That Mr. DUNLOP inform the Senate.

The SPEAKER designated Mr. SMITH to deliver the sword to the secretary of the commonwealth.

On motion of Mr. GRAVES, the House adjourned until to-morrow at twelve o'clock M.

FRIDAY, August 15, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 14, 1884.*

The Senate have passed Senate bill entitled an act to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts, relating to the apportionment for electors of president and vice-president of the United States, and providing for the choice of electors, No. 10; in which bill they respectfully request the concurrence of the House of Delegates.

No. 10. Senate bill was read twice and referred to the committee of privileges and elections.

The following House bills reported from the committee on schools and colleges were read a first time:

No. 14. House bill to amend and re-enact section 7 of an act entitled an act for the establishment of a state female normal school, approved March 7, 1884.

No. 15. House bill to authorize the school board of the several school districts of Botetourt county to use surplus county school funds for the construction of school houses and enclosing and furnishing the same.

The following House bills reported from the committee on roads and internal navigation, were read a first time:

No. 16. House bill to amend and re-enact sections one and twelve of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884.

No. 17. House bill to amend an act incorporating the Lynchburg and Southwestern railroad company (with a substitute).

The following House bills reported from the committee on asylums and prisons, were read a first time:

No. 18. House bill to appropriate money to complete and equip the Central lunatic asylum of Virginia.

No. 19. House bill for the relief of the estate of R. S. Slayton and his widow Ann Slayton.

No. 20. House bill to amend and re-enact sections 13, 72, 110 and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, reported from the committee on finance, was read a first time.

Mr. EVANS of *Richmond city*, from the special joint committee appointed to burn certain bonds, presented a report as follows:

RICHMOND, VA., MARCH 25, 1884.

To the President of the Senate:

The special committee appointed by the General Assembly under the following joint resolution of the General Assembly, to-wit:

"Resolved by the Senate (the House of Delegates concurring), That a committee consisting of two on the part of the Senate and three on the part of the House of Delegates shall be appointed, who shall, in the presence of the governor of the commonwealth and the treasurer of the commonwealth, cause to be destroyed, by burning, all coupons and registered bonds of the state printed under acts of the General Assembly of 13th March, 1879, now unissued and remaining in the treasurer's office, with the exception of funded registered consol bonds under act of 13th March, 1871, to the amount of \$668,700, reserved for exchange for consol coupon bonds held by the several school and colleges. A list of bonds so destroyed, and a list of bonds so excepted and reserved, shall be preserved in the offices of the second auditor and of the treasurer of the commonwealth"—

Respectfully report that the undersigned members of the committee, in the presence of his excellency the governor and the treasurer of the commonwealth, burned, in one of the furnaces of the Tredegar iron works, in the city of Richmond, the following bonds, to-wit:

Virginia consols issued under the act of March 30, 1871:

\$100 bearer bonds,	2,354,	numbers running from	7,647 to 10,000 inclusive;
500 "	"	2,552, "	" " 2,449 " 5,000 "
1,000 "	"	1,746, "	" " 18,255 " 20,000 "
100 order "	"	186, "	" " 1,315 " 1,500 "

Under said resolution we were also directed to count and burn certain registered bonds. We found a large number of such bonds, but they are of no value—not having the seal of the state nor signature of the proper officer. We would, therefore, recommend that the treasurer be directed to make a statement of the number on hand, and, after retaining such as may be needed in the transaction of the business of the office, that he be directed to destroy the remainder.

Respectfully submitted,

WM. LOVENSTEIN,  
H. A. ATKINSON, JR.,  
THOS. J. EVANS,  
M. W. HAZLEWOOD.

The report was referred to the committee on finance.

Mr. EVANS of *Richmond city*, under a suspension of the rules, offered the following resolution:

Resolved, That the treasurer of the commonwealth of Virginia, be instructed to report at once to the General Assembly of Virginia, what funds of this state are now deposited in the banks of this state, the amounts deposited in the several banks, when deposited, by what officer of the state so deposited, and under what authority of law, and what security the state has for each one of said deposits; and especially whether any money of the state was deposited in the Planters and Mechanics bank of Petersburg, and if so, whether the money so deposited is now available to the state, and if not, why not—

Which was agreed to.

Mr. KELLY offered the following resolution:

Resolved, That the board of sinking fund be requested to furnish forthwith to this House whether they have funded any interest, known as black scrip; and, if so, how much, and by what authority and by whom the same was funded.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. Ross offered the following resolution:

Resolved, That the committee on Chesapeake and its tributaries be instructed to report as speedily as possible by bill or otherwise, what legislation amendatory to the act approved March 4, 1884, for the preservation of oysters, &c., or otherwise may be necessary to better protect and assist the oyster industry of the state.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. STUART offered the following resolution:

Resolved, That the committees of the House, be and they are hereby instructed to report no bills, unless they come within the scope of the following resolutions, viz:

Resolved, That the business of the extra session be limited to the following subjects, viz:

1. The passage of a law apportioning the state into electoral districts for presidential electors.

2. To the re-enactment of the law dividing the state into congressional districts, if deemed necessary.

3. The re-enactment of the laws concerning election machinery as they existed prior to the session of 1883-4, if deemed necessary.

4. To such legislation touching the state debt and finances as may be necessary.

5. To the correction of such mistakes, clerical or typographical, as may exist in the Acts of 1883-4.

6. To the amendment of any act of 1883-4, not political, which affects any county, city, or town directly, and not indirectly or through any body corporate.

7. To such matters as may be recommended by the executive.

8. To the election of judges and the passage of such laws as may be necessary to fill vacancies in office.

9. To the re-enactment of a law for the reassessment of the lands of the commonwealth.

The resolution was agreed to—yeas 67; nays 16.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bishop, Bolen, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gibson, Gordon, Gose, Grattan, Graves, Hazlewood, Hobson, Hubbard, Jones, Keen, Kelly, Kilgore, Lawson, Leigh, Loving, McLin, Marshall, Mays, Moffett, Moorefield, Munford, Nance, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, B. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—67.

**NAYS**—Messrs. Brockwell, Grandstaff, Duff Green, Armistead Green, Harrison, Leftwich, Mauck, Charles O. Meade, S. P. Mustard, Richardson, Rosler, Ross, Scott, Stewart, Wheeler, and White—16.

Mr. STUART moved to reconsider the vote by which the motion was agreed to; which motion was rejected.

Leave of absence was granted Messrs. PRETLOW and RICHARDSON one day each; ROSLER and BROCKWELL two days each; and CARDWELL three days.

The SPEAKER laid before the house a communication from the auditor of public accounts in response to a resolution of the house in relation to the number of applicants of disabled soldiers and marines which he has allowed and placed in classes Nos. 1 and 2, which was referred to the committee on finance.

The following were presented and referred under rule 37:

By Mr. SMITH: A bill to provide for the examination of persons applying for licenses to teach in the public free schools. Referred to the committee on schools and colleges.

By Mr. WESCOTT: Joint resolution authorizing the governor of Virginia to pay George H. Bagwell for services rendered in establishing boundary lines between Virginia and Maryland. Referred to the committee on the Chesapeake and its tributaries.

By Mr. CARDWELL: A bill to amend and re-enact section 13 of chapter 450 of Acts 1883-4, in relation to the tax on deeds. Referred to the committee on finance.

By Mr. WILKINS: A bill to authorize the receiver in the case of the Holmes Presbyterian church, Northampton county, vs. The New York, Philadelphia, and Norfolk railroad company, to pay money to the trustees of said church. Referred to the committee for courts of justice.

By Mr. MUSTARD of *Tazewell*: A bill to authorize the voters of Smyth county to ratify the action of the board of supervisors of said county in donating land for another lunatic asylum and for other purposes. Referred to the committee on asylums and prisons.

By Mr. RYAN: A joint resolution to fill a vacancy in the board of school commissioners for the county of Loudoun. Referred to the committee for schools and colleges.

By Mr. MUSTARD of *Tazewell*: A bill for the relief of John W. Richardson, treasurer of Smyth county. Referred to the committee on finance.

By Mr. GOSZ: A bill to amend and re-enact sections 4, 8, and 9 of chapter 156 of the Acts of the General Assembly of 1883-4, in regard to the working of roads in Russell county. Referred to the committee on counties, cities, and towns.

By Mr. TRIGG: A bill to incorporate the Southwest Virginia institute. Referred to the committee on schools and colleges.

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had agreed to the following concurrent resolution:

Resolved, (the House of Delegates concurring), That a special joint committee of eight, three on the part of the Senate, to be appointed by the president pro tempore, and five on the part of the House, be appointed, to which shall be referred the question whether there is now in force in this state any election law, and if in their judgment there is none, said committee will report by bill or otherwise forthwith.

The question being on agreeing to the Senate resolution,

Mr. ECHOLS moved the pending question; which was ordered—yeas 57; nays 24.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Graves, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Moffett, Moorefield, Munford, Opie, Overby, Paxton, Peters, Porter, Powell, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn and Whitehead—57.

NAYS—Messrs. Banks, Brockwell, Dodson, Garnett, Gose, Grandstaff, Duff Green, Armistead Green, Griffin, Harris, Hubard, McLin, Mauck, Charles, C. Meade, S. P. Mustard, Nance, Parker, Richardson, Rosler, Ross, Scott, Stewart, Wheeler and White—24.

The Senate concurrent resolution was agreed to—yeas 58; nays 24—two-thirds of those present voting in the affirmative.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bishop, Bolen, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Moffett, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—58.

NAYS—Messrs. Banks, Brockwell, Dodson, Garnett, Gose, Grandstaff, Duff Green, Armistead Green, Griffin, Harris, Hubard, McLin, Mauck, Charles C. Meade, Mustard, Nance, Parker, Richardson, Rosler, Ross, Scott, Stewart, Wheeler, and White—24.

Mr. GRAVES moved to reconsider the vote by which the Senate concurrent resolution was agreed to; which motion was rejected.

The Speaker appointed Messrs. EVANS of *Middlesex*, BARTON, FITZPATRICK, KILGORE and HARRIS, the committee on the part of the House.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 1. House engrossed bill to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts and providing for the choice of electors, came up.

On motion of Mr. GRAVES, the bill was postponed until to-morrow. No. 2. House bill to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts of 1881-2, approved February 14, 1882, in relation to the public debt, was read a second time.

Mr. GRAVES moved to amend the bill by striking out all of section 5, as proposed to be amended, after the word "money," in line 39 of printed bill, down to and including the word "therewith," in line 53, and inserting in lieu thereof the following:

"But such bonds shall not be given for interest either on registered or coupon bonds, mentioned in or funded under this act, falling due after the first day of July, 1882, whether such interest be evidenced by coupons or otherwise. The first day of July, 1882, shall be taken as the date of exchange of the several classes of bonds and evidences of indebtedness specified in this act, and in the act of which it is amendatory: provided that no coupon bond shall be funded under this act, unless all past-due coupons belonging to said bond, or other coupon of corresponding amounts, dates, and class, accruing since the first day of July, 1882, be surrendered therewith; nor shall any registered bond be funded under this act, unless all interest accruing since the first day of July, 1882, be surrendered therewith"—

Which was agreed to.

The bill was ordered to be engrossed to be read a third time.

The bill being presently engrossed,

Mr. ANDERSON of *Rockbridge*, moved that it be read a third time this day, which was agreed to, two-thirds in the House so determining.

The bill was read a third time and passed—yeas 70.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bishop, Bolen, Brockwell, Camper, Chapman, Crockett, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gibson, Gordon, Gose, Grattan, Graves, Harrison, Hazlewood, Hubard, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, McLin, Mauck, Mays, Charles C. Meade, Moffett, Moorfield, Munford, S. P. Mustard, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Richardson, Robertson, Rosler, Ross, Ryan, Scott, Seay, Soule, Stewart, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, White, and Whitehead—70.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

On motion of Mr. BANKS, the House adjourned until to-morrow at 12 o'clock, M.

SATURDAY, AUGUST 16, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 15, 1884.*

The Senate have passed Senate bill entitled an act ordering a special election for treasurer of Amherst county, No. 2.

They have agreed to joint resolution directing the treasurer of the commonwealth to destroy certain blank registered bonds, and list such others as may be needed.

In which bill and joint resolution they respectfully request the concurrence of the House of Delegates.

No. 2, Senate bill, was read twice and referred to the committee on counties, cities, and towns.

Senate joint resolution directing the treasurer of the commonwealth to destroy certain blank registered bonds, and list such others as may be needed, was read twice and referred to the committee on finance.

No. 10, Senate bill entitled an act to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts relating to the apportionment for electors of president and vice-president of the United States, and providing for the choice of electors, was reported from the committee of privileges and elections, with a substitute.

No. 21. House bill to provide for the payment of the Danville Grays while in service of the state, reported from the committee on militia and police, was read a first time.

No. 22. House bill to amend and re-enact section 8 of chapter 25 of an act entitled an act to revise, amend and re-enact sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of chapter 16; sections 8, 9, 10 and 11 of chapter 48; chapter 96; sections 35 and 37 of chapter 180; chapter 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207 and 208 of the Code of 1873, and acts amendatory thereof, and regulating certain fees in criminal cases, approved March 14, 1878, reported from the committee on finance, was read a first time.

Mr. ECHOLS offered the following resolution:

Resolved, That no bill be printed unless by order of the chairman of the committee to which referred or by special order of the House.

The resolution was agreed to, two-thirds of the members present voting in the affirmative.

Mr. STUART offered the following resolution:

Resolved, That the finance committee be, and they are hereby instructed to prepare and report forthwith a bill prohibiting the

commissioners of the sinking fund from purchasing any bonds of the state, either for purpose of investment or retirement, which represent in whole or in part coupons maturing since the first day of July, eighteen hundred and eighty-two; and to provide for the identification of all such bonds.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. KILGORE offered the following resolution:

Resolved, That when this House adjourn to-day, that the same adjourn until Tuesday next at 12 o'clock, M.—

Which was rejected.

Leave of absence was granted Messrs. LOVING one day, and GRIGGS and PARKER two days each.

A communication from the governor was read as follows:

COMMONWEALTH OF VIRGINIA,  
GOVERNOR'S OFFICE,  
RICHMOND, August 16, 1884.

*To the General Assembly:*

Official notice has reached this department of the following vacancies in judgeships in the commonwealth, which have occurred since the last session of your body:

In the third judicial circuit, by the death of Hon. Asa Dickenson; in the county courts of Dinwiddie and Hanover, respectively, by the decease of Hons. R. C. Shell and W. W. Newman; and in the county court of Augusta, by the resignation of Hon. W. A. Hudson.

WILLIAM E. CAMERON.

The communication was referred to the committee for court of justice.

Mr. BARTON offered the following concurrent resolution:

Resolved (the Senate concurring), That the General Assembly proceed on Tuesday next, at 1 o'clock, P. M., to elect judges for the county courts of Hanover and Dinwiddie and the circuit court of the third judicial circuit.

Mr. GIBSON moved to strike out the word "Hanover"; which motion was rejected.

The resolution was agreed to.

Mr. BARTON moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. BARTON carry the resolution to the Senate, and request their concurrence.

A message was received from the Senate by Mr. DIGGS, who informed the House that the Senate had agreed to the resolution, with an amendment; in which they respectfully request the concurrence of the House.

The amendment of the Senate as follows: After the word "Dinwiddie," add the county of "Augusta"; was disagreed to.

Mr. MUNFORD moved to reconsider the vote by which the amendment of the Senate was rejected; which motion was rejected.

Ordered, That Mr. ECHOLS inform the Senate that the House had disagreed to the amendment of the Senate.

A message was received from the Senate by Mr. EDMUNDS, who informed the House that the Senate had receded from its amendment.

The following were presented and referred under rule 37:

By Mr. BOLEN: A bill to provide compensation to the clerks of county and corporation courts for making records of delinquent lands and receiving payment of taxes on same. Referred to the committee for courts of justice.

By Mr. ECHOLS: A bill to amend and re-enact an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county. Referred to the committee on counties, cities, and towns.

By Mr. GRAVES: Petition of certain members of the bar of circuit court of Bedford county, asking a change in time for holding said court. Referred to the committee for courts of justice.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 10. Senate bill entitled an act to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts, relating to the apportionment for electors of president and vice-president of the United States, and providing for the choice of electors, came up.

The substitute proposed by the committee of privileges and elections, was agreed to.

The bill, as amended, was ordered to its third reading.

The substitute being presently engrossed, the bill was read a third time and passed.

The amendment proposed by the committee to the title was agreed to.

Mr. ANDERSON of *Rockbridge* moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 1. House engrossed bill to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts and providing for the choice of electors, was, on motion of Mr. MUMFORD, laid on the table.

No. 3. House bill to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, was read a second time.

Mr. GRAVES moved to amend the bill by striking out in twelfth line, first section, the words "and a freeholder"; which was agreed to.

Mr. ORR moved to reconsider the vote by which the amendment was agreed to; which motion was rejected.

On motion of Mr. MARSHALL, the bill was amended by inserting

in the third line of sixth section, after the word "assessor," the words "and to the attorney for the commonwealth."

Mr. MUNFORD moved to amend the bill by inserting as an independent section, to come in after the fourth section, the following:

"In any county or city, in which there is more than one assessor, such assessors prior to the completion of their labors shall assemble at least once in each district, for the purpose of consultation with a view of equalizing the assessment of lands in their respective districts and in their counties and cities as far as practicable"—

Which was agreed to.

On motion of Mr. GRAVES, the bill was amended by inserting in 3d line, 7th section, after "changes," the words "in title or ownership of property and valuation."

On motion of Mr. WARD, the bill was amended by inserting after "verified," in the 4th line of 8th section, the words "by affidavit made before the clerk of the county court, in which it shall be stated that the time for per diem claimed was absolutely necessary, and when said accounts shall be so made out and verified, they".

The bill as amended, was ordered to be engrossed to be read a third time.

No. 4. House joint resolution authorizing the treasurer and second auditor to provide further safeguards for their respective offices, was read a second time.

On motion Mr. POLLARD, the joint resolution was amended by adding as an independent section the following:

"This joint resolution shall go into effect from and after its passage."

The joint resolution as amended, was ordered to be engrossed to be read a third time.

The following bills were read a second time, and ordered to be engrossed to be read a third time:

No. 5. House bill to authorize the board of the Miller manual labor school of Albemarle, to convert 3 per centum coupon bonds issued under act of February 14, 1882, into registered bonds of the same class.

No. 6. House bill to direct the auditor of public accounts to turn over to the commissioners of the sinking fund certain bonds in his custody.

No. 7. House bill to relieve R. T. Caldwell from the payment of a fine, was read a second time.

Mr. GIBSON raised the point of order, that as the bill was not embraced in the scope of bills to be considered at the present session, that the chair should rule it out of order.

The chair (Mr. POLLARD) decided against the point of order, for the reason that it was a question for the House to decide, as it was entirely competent for the House to suspend any of its rules.

Mr. GIBSON appealed from the decision of the chair.

The question being, "Shall the decision of the chair stand as the judgment of the House"? was put, and decided in the affirmative.

On motion of Mr. ECHOLS, the bill was laid on the table.

No. 8. House bill to amend and re-enact sections 3 and 17 of chapter 178 of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error, and supersedeas, was read a second time.

The question being on ordering the bill to be engrossed to be read a third time, was put—no quorum voting.

On motion of Mr. ELLIS, the House adjourned until Monday next at 12 o'clock, M.

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MONDAY, AUGUST 18, 1884.

The Journal of Saturday was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 16, 1884.*

The Senate have passed Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, No. 14; in which bill they respectfully request the concurrence of the House of Delegates.

No. 14. Senate bill was read twice and referred to the committee on finance.

The following House bills reported from the committee on finance, were read a first time:

No. 23. House bill to amend and re-enact sections 3 and 4 of an act entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, approved March 15, 1884.

No. 24. House bill to amend and re-enact section 13 of chapter 450 of the Acts of 1883-84, in relation to the tax on deeds.

Leave of absence was granted Messrs. DODSON two days, and CHRISTIAN four days.

The SPEAKER laid before the House a communication from the treasurer in response to a resolution of the House, in relation to the depositories of public moneys, and also in regard to the availability of the amount, if any, that was deposited in the Planters and Mechanics bank of Petersburg; which, on motion of Mr. MARSHALL, was ordered to be printed. Doc. No. 1.

The communication was referred to the committee on finance.

The SPEAKER laid before the House a communication from the second auditor and president of board of commissioners of the

sinking fund, in response to a resolution of the House in regard to the funding of bonds known as black scrip; which, on motion of Mr. GRAVES, was ordered to be printed. Doc. No. 2.

The communication was referred to the committee on finance.

Mr. TRIGG offered the following resolution:

Whereas, it appears by the books of the treasurer of Virginia, that on the 20th day of September, 1882, the sum of one hundred thousand dollars of the moneys of the commonwealth was deposited in the Planters and Mechanics bank of Petersburg, and that on the 2d day of December, 1882, the further sum of fifty thousand dollars of the moneys of the commonwealth were also deposited in said bank; and whereas, it is represented that by reason of the insolvency of said bank and its sureties, the greater part of said sum of \$150,000 has been lost to the commonwealth:

1. Resolved, That the committee on finance be instructed to inquire, ascertain and report: First, the amount or amounts of the moneys of the commonwealth heretofore deposited in said Planters and Mechanics bank of Petersburg, and the dates of such deposits, respectively; secondly, the names of the persons by whom and at whose solicitations and requests said deposits were procured; thirdly, the name of all the persons to whom and among whom, the moneys deposited as aforesaid, were paid and distributed, though the agency of said bank and its officers, by overchecking, discounting, loans or other devices; fourthly, the nature, kind and value of the securities, and rights of action or suit, if any, available to the commonwealth as means of recovering said sum of \$150,000, or any part thereof; fifthly, the names of all persons civilly liable to the commonwealth for and in respect of said deposits; sixthly, the names of all persons who have received and converted to their own use any part of said deposits, and who are liable to criminal prosecution in connection therewith; and seventhly, whether any, and if any, what legislation is necessary for the protection of the commonwealth against further loss by reason of similar deposits in other banks.

2. Resolved, That said committee have leave to sit during the session of the House, in Petersburg or Richmond, as they may deem advisable from time to time; and be authorized to send for persons and papers, and to employ an expert accountant and stenographer, if necessary in the judgment of said committee.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

The following were presented and referred under rule 37:

By Mr. BURKS: A bill to change the time for holding the circuit court in the county of Bedford. Referred to the committee for courts of justice.

By Mr. MEADE of *Clarke*: A bill for removal of political disabilities of Casper W. Green. Referred to the committee for courts of justice.

By Mr. MEADE of *Scott*: A bill to amend and re-enact sections 4, 8, 9 and 10 of an act approved March 4th, 1884, to provide for the working of roads and repairing of bridges in the county of Scott. Referred to the committee on counties, cities and towns.

By Mr. GREEN of *Petersburg*: A bill to authorize the city of Petersburg to convert coupons into registered and registered into coupon bonds. Referred to the committee on counties, cities and towns.

By Mr. PRETLOW: A bill to amend section 53, chapter 167, of Code of 1873, as amended by an act approved February 12, 1884, in relation to orders and decrees. Referred to the committee for courts of justice.

By Mr. PRETLOW: A bill to amend and re-enact section 1 of an act approved February 25, 1884, entitled an act to allow mileage to jurors. Referred to the committee for courts of justice.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 3. House engrossed bill to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, was read a third time and passed—yeas 60; nays 2.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Bailey, Baker, Barton, Bishop, Bolen, Burks, Camper, Crockett, Curtis, Darst, Dunn, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Gose, Grattan, Graves, Griffin, Hobson, Jones, Keen, Kelly, Leftwich, Leigh, Luttrell, McLin, Marshall, Mauck, Mays, Charles C. Meade, David Meade, Moffett, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Paxton, Peters, Pollard, Porter, Powell, Richardson, Saunders, Scott, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—60.

NAYS—Messrs. Grandstaff and Ross—2.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. GRAVES carry the bill to the Senate, and request their concurrence.

No. 4. House joint resolution authorizing the treasurer and second auditor to provide further safeguards for their respective offices, was read a third time and agreed to—yeas 64.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Bailey, Baker, Barton, Bishop, Bolen, Burks, Camper, Chapman, Crockett, Curtis, Darst, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Gose, Grandstaff, Grattan, Graves, Duff Green, Hobson, Hubbard, Jones, Keen, Kelly, Leftwich, Leigh, Luttrell, McLin, Marshall, Mauck, Mays, Charles C. Meade, David Meade, Moffett, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Nance, Paxton, Pollard, Porter, Powell, Richardson, Robertson, Ross, Saunders, Scott, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—64.

Mr. POLLARD moved to reconsider the vote by which the joint resolution was agreed to; which motion was rejected.

The following House engrossed bills were read a third time and passed:

No. 5. House engrossed bill to authorize the board of Miller Manual labor school, of Albemarle, to convert three per centum coupon bonds issued under the act of February 14, 1882, into registered bonds of the same class.

No. 6. House engrossed bill to direct the auditor of public accounts to turn over to the commissioners of the sinking fund certain bonds in his custody.

Motions severally made by Mr. POLLARD to reconsider the votes by which House bills, Nos. 5 and 6 were passed, were rejected.

No. 8. House bill to amend and re-enact sections 3 and 17 of chapter 178 of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error, and supersedeas, unfinished business, came up.

Mr. GIBSON offered an amendment in the nature of a substitute.

On motion of Mr. BARTON, the bill was passed by and the substitute ordered to be printed.

No. 9. House bill to amend and re-enact an act to provide for authorizing religious congregations and other benevolent literary and charitable institutions which are not incorporated, to sell, exchange, or encumber their property, approved January 31, 1884, was read a second time, and ordered to be engrossed to be read a third time.

No. 10. House bill to amend and re-enact sections 3 and 8 of an act approved March 7, 1884, entitled an act to amend and re-enact the charter of the town of North Danville, was read a second time.

On motions severally made by Mr. MUNFORD, the bill was amended as follows:

After the word "Pittsylvania," in fourth line of third section as proposed to be amended, insert the words "except as hereinafter provided."

After the word "directed," in thirty-second line, insert the words "and provided further, that this act shall be so construed as to authorize and require the levy collection and payment by the said town of North Danville of her just proportion of the amount necessary to pay the bonded debt of the county of Pittsylvania, incurred on account of the subscription to the Washington City, Virginia Midland and Great Southern railroad for the year 1884, as well as succeeding years."

The bill as amended, was ordered to be engrossed to be read a third time.

No. 11. House bill to repeal section 19 of an act entitled an act to provide for the working of roads in the county of Fauquier, approved February 24, 1876, and to amend and re-enact section 23 of said act as amended and re-enacted by an act entitled an act to amend and re-enact sections 23, 24, 25 and 26 of an act approved

February 24, 1876, entitled an act to provide for the working of roads in the county of Fauquier, was read a second time and ordered to be engrossed to be read a third time.

No. 12. House bill to authorize the board of supervisors of Fauquier county, to increase the salary of the county judge of said county, was, on motion of Mr. GRAVES, laid on the table.

No. 13. House bill to enable the board of supervisors of Rockbridge county, to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, was, on motion of Mr. PETERS, passed by.

No. 14. House bill to amend and re-enact section 7 of an act entitled an act for the establishment of a State Female Normal school, approved March 7, 1884, was, on motion of Mr. HUBARD, passed by.

No. 15. House bill to authorize the several school districts of Botetourt county, to use surplus county school funds for the construction of school houses, and enclosing and furnishing the same, was, on motion of Mr. GRAVES, laid on the table.

No. 16. House bill to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884, was, on motion of Mr. GREEN of *Stafford*, laid on the table.

No. 17. House bill to amend an act incorporating the Lynchburg and Southwestern railroad company, was, on motion of Mr. MARSHALL, laid on the table.

No. 18. House bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, was, on motion of Mr. DUNN, passed by.

No. 19. House bill for the relief of the estate of R. S. Slayton, and his widow, Ann Slayton, was, on motion of Mr. GIBSON, laid on the table.

No. 20. House bill to amend and re-enact sections 13, 72, 110, and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, was, on motion of Mr. GIBSON, recommitted to the committee on finance.

No. 21. House bill to provide for the payment of the Danville Grays while in service of the state, was read a second time.

On motion of Mr. BARTON, the bill was amended as follows: Add at end of first section the following words: "provided that the sum of money provided for in this act shall only be paid out of the fund appropriated by the act approved March 15, 1884, entitled an act appropriating the public revenues for the military contingent expenses."

Mr. HUBARD moved to recommit the bill to the committee on militia and police; which motion was rejected.

The bill, as amended, was ordered to be engrossed to be read a third time.

On motion of Mr. MARSHALL, the House adjourned until to-morrow at 12 o'clock M.

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TUESDAY, AUGUST 19, 1884.

The Journal was read by the clerk.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, was reported from the committee on finance with an amendment.

No. 20. House bill to amend and re-enact sections 13, 48, 72, 110, and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, heretofore recommitted, was reported from the committee on finance, with a substitute.

The following House bills, reported from the committee on counties, cities, and towns, were read a first time:

No. 25. House bill to amend and re-enact sections 1, 2, 3, and 7 of an act approved March 3, 1884, entitled an act to amend and re-enact an act to incorporate the town of Bridgewater, approved February 7, 1835, and all acts amendatory thereof.

No. 26. House bill to amend and re-enact sections 4, 8, and 9 of chapter 156 of the Acts of the General Assembly of 1883-4, in regard to the working of roads in Russell county.

No. 27. House bill to amend and re-enact sections 4, 8, 9, and 10 of an act approved March 4, 1884, to provide for the working of roads and repairing of bridges in the county of Scott.

Leave of absence was granted Mr. WINN for two days.

A report from the committee for courts of justice was presented as follows:

*To the Honorable House of Delegates of Virginia:*

Your committee for courts of justice, who, by resolution of this House, adopted on the 14th day of August, 1884, was directed to examine the election laws, and report such bill as may be found necessary, have in obedience to that

resolution, considered and examined into the matter, and beg leave to report as follows:

The General Assembly of Virginia, at its session of 1883-4, enacted a law which took effect February 14, 1884, providing for the manner of choosing registrars and judges and clerks of elections, and by express provision repealing the then existing laws upon this subject contained in sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873. The principal change effected by this law was to take away from the county and hustings court judges the power to appoint the registrars and other election officers, and to lodge it in an electoral board for each county and city, consisting of three persons for each county and city, chosen by joint resolution of the two houses of the General Assembly.

The recognized cause for this change in the manner of making these appointments were: *First*, that the courts might be divorced, as far as possible, from all connection with politics; and, *second*, because of the partisan action of many of the county and hustings court judges in selecting their appointees, and the just apprehension that under their further control elections would not be so conducted as to secure real freedom to the ballot and fairness in the count.

The act which became operative on the 14th day of February, 1884, contained in its first section, a provision that the persons to be chosen to constitute the several electoral boards, "shall be *freeholders* and residents of each county and city for which they are appointed."

Without taking formal evidence upon the subject, we have learned from authority deemed reliable by us, that the words "*freeholders and*" were not in the original draft of the bill as it was intended to be presented to the Senate, but that the sentence quoted read as follows: "Shall be residents of each county and city for which they are appointed."

How these words became a part of the law we do not know, although it is fair to suppose that they were in the draft of the bill actually offered in the Senate; for the Journals of the two houses do not show that they were inserted by amendment on motion of any senator or member, or by report of any committee.

The bill is a very long one, containing fourteen sections, and covering four pages of the Acts. The words "*freeholders and*" occupy as insignificant a position relative to the object and purport of the law, as they do to the number of words which it contains. Their omission from the bill could in no wise have helped or hindered the obvious purposes of the act, and that in the sequel they should have proved a stumbling block in the way of this wise legislation, has been a matter of surprise to those who conceived the law, and were instrumental in its passage.

The presence of the *obnoxious words* seems not to have been observed until after the bill had passed both houses, and had without comment upon this feature undergone the scrutiny of the governor, and notwithstanding his objections had become a law.

Close upon their discovery the Senate, and not long after the House also, passed a bill amending the first section and striking out the objectionable words. This bill was sent to the governor, but he saw fit not to aid the General Assembly in amending the law in this respect, and hence, because of the *lack of his signature alone*, the objectionable feature remained a part of the act.

The constitutionality of the act, as affected by the presence of the two words "*freeholders and*," was tested by the case of *Black vs. Trower*, et. als., decided by supreme court of appeals of Virginia, on the 8th day of May, 1884. In that case that court declared that because the General Assembly had imposed the qualification of being a *freeholder* as a condition of serving on the electoral boards, therefore, "the entire act was inoperative, and the statutes sought to be repealed were unaffected thereby." This, it must be observed, notwithstanding the fact that one of the sections thus revived, and consequently regarded as constitutional, provides that the judges of election shall, whenever practical, be chosen from among persons *known to belong to different political parties*, one at least of whom can *read and write*, and prescribes that when all the judges fail or

refuse to attend, that *any three competent freeholders* of the district may conduct the election.

It is the twelfth section of this act, which by express enactment, repeals sections eight and twenty-four of chapter eight, and sections two and three of chapter seven of the Code of 1873.

The natural consequence of declaring this act wholly inoperative and void, is, of course, equally to avoid the twelfth section and to leave the sections of the Code, which it "sought to repeal," in full force and vigor. A venerable rule of action by the courts has, however, been in times past to handle tenderly the acts of the people's representatives, and in measuring their validity by the standard of the constitution, to go no further than the letter and just spirit of that instrument demand.

In accordance with this view, it has been a rule of construction of perhaps hitherto universal adoption, that if, in any act of a legislative body, there are provisions obnoxious to the constitution, if by weeding out such provisions, the obvious purpose of the bill is still fairly expressed, and its functions are practically unimpaired, the axe will not be laid at the root of the tree, but rather the dead branches will be pruned off, and the act will be allowed to stand, so that the will of those alone who have the right to make and to repeal laws shall be accomplished.

The court of appeals, in substance, approves this rule of construction, and yet declares that it could not be presumed that the legislature would have passed the act without the freehold qualification, treating this mere incident as if it was the very pith and marrow of the bill.

In deference we submit, that if not here, then in no case can it be ever presumed, of any act by any legislative body, that it would have been passed without features found therein by courts to be unconstitutional, and the rule distinctly recognized by the supreme court of appeals of Virginia, that "a statute, in some of its provisions, may be unconstitutional and void, and in others unobjectionable," could never in any case have practical application.

In this case, moreover, the Journals of both houses show that each house of the General Assembly did, in fact, pass a bill eliminating the forbidden words from the act, and thus showing that their intention beyond question was to pass the bill without the freeholder qualification. It was because the governor failed to sign the bill that the intentions of the legislature did not find expression in a law.

With deference, again, we suggest whether in the journals of the houses the courts will not find the intention of the General Assembly against the force of any evidence *aliunde* if there be any such; just as the courts are shut up to an inspection of the Acts of the Assembly, to find what was done by the legislature and the governor together.

Such obvious suggestions leave it in doubt whether the court, not unanimous in its decision, already rendered, may not in another case deem it its duty to reconsider the result by which they have in effect both abrogated a law passed by the General Assembly, and also restored as law four sections of the Code of 1873, which the General Assembly had solemnly repealed.

Again, a careful review of the election laws considered in the light of the decision referred to and notwithstanding its somewhat positive language, has failed to satisfy certain gentlemen of learning and experience in the law, who have given close attention to the subject, that the sections of the Code repealed by the act in operation February 14, 1884, have been or will in a proper case be held to be revived, and a grave doubt is suggested whether we in fact are not without any provision of law at all for the appointment of registrars and judges and clerks of election.

A prudent and cautious legislature will not risk such a condition of doubt, especially at so important an election as that for electors for president and vice president of the United States, when Virginia's electoral vote may determine the issue and any doubt about the valid expression of her choice might lead to anarchy and revolution.

Two courses, then, seem to be open to us: either to re-enact the law in force February 14, 1884, without the objectionable freehold qualification; or else to

re-enact the sections of the Code of 1873 repealed by the twelfth section of that act, so that there may be no doubt about their validity as law.

Had the act declared to be unconstitutional been allowed to become operative, we have no doubt that its fairness and justice would have been demonstrated, and that under it no man could have been justly complained either of the ballot or the count. But we are sensible of the fact that some citizens of the state apprehended danger from what they were pleased to term its partizan character, and that their denunciation of the law was in some quarters accepted as a just judgment of the act before, by experiment, its actual merits could have been proved. To re-enact it now, to take effect at once, in the midst of a heated political canvass, might be construed as meaning some unfair advantage to the dominant party in the state, while, in fact, the only object is now, and has been, to secure strict fairness and impartiality. It is, moreover, true that by death, resignation, and removal from office, the causes that justified the General Assembly in taking away the power of appointment from the county and hustings court judges have been to some extent removed.

All things considered, then we think it is wisest to adopt the second course at least for the present emergency, and by the substantial re-enactment of the repealed acts, to place the law of appointment beyond the reach of cavil. With this view, we report two bills.

First. A bill to repeal the act in force, February 14, 1884, constituting chapter 115 of the Acts of 1883-4.

Second. A bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873.

Respectfully submitted,

R. T. BARTON,

*Chairman of Committee for Courts of Justice.*

On motion of Mr. SMITH, the report was passed by and ordered to be printed.

The following House bills, reported from the committee for courts of justice, were read a first time.

► No. 28. House bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873.

No. 29. House bill to repeal an act entitled an act to provide for the manner of choosing registrars and judges and clerks of elections for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, in force February 14, 1884.

A report from a special joint committee was presented as follows:

*To the Senate and House of Delegates of Virginia:*

The special joint committee of your honorable bodies, who, by a joint resolution adopted on the 16th of August, 1884, was directed to inquire if there is now in force in this state any law governing elections, and to report by bill or otherwise, beg leave to report that they ascertained that the committee for courts of justice of the House had, under a similar resolution, inquired into the matter directed to this committee, and had agreed upon and formulated a report, which was laid before your committee and adopted by it.

MARSHALL McCORMICK,  
A. B. EVANS,  
R. T. BARTON,  
THOS. P. FITZPATRICK.

The following were presented and referred under rule 37:

By Mr. BARTON: A bill to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against or notice to a corporation. Referred to the committee for courts of justice.

By Mr. JONES: A bill for the relief of the taxpayers of Alleghany county. Referred to the committee on finance.

By Mr. JONES: A petition of officers and citizens of Alleghany county, and certificate of county court, with reference to taxes for 1883. Referred to the committee on finance.

By Mr. ANDERSON of *Rockbridge*: A bill to amend and re-enact section 43 of chapter 108 of the Code of 1873, in reference to the location, entry, survey and grants of lands belonging to the commonwealth. Referred to the committee for courts of justice.

By Mr. OPIE: A bill to protect the fish in the waters of the commonwealth. Referred to the committee on the Chesapeake and its tributaries.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of interest thereon, came up.

The amendment proposed by the committee on finance, as follows:

Add at the end of section two the following:

"The second auditor shall cause all bonds exchanged and surrendered under this act to be cancelled, and the coupons on all coupon bonds so exchanged and surrendered to be punched so as to destroy the negotiability of the same, and he will file all bonds so exchanged and surrendered, securely in his office. It shall be the duty of the second auditor to cause a full record to be kept of each exchange made under this act. And it shall be the duty of the treasurer once in each month to compare the bonds cancelled, with said record, and to certify the result of his examination thereon"—  
Was agreed to.

The bill was ordered to its third reading.

No. 9. House engrossed bill to amend and re-enact an act to provide for authorizing religious congregations and other benevolent, literary and charitable institutions which are not incorporated, to sell, exchange or encumber their property, approved January 31, 1884, was read a third time and passed.

No. 10. House engrossed bill to amend and re-enact sections 3 and 8 of an act approved March 7, 1884, entitled an act to amend and re-enact the charter of the town of North Danville, was read a third time and passed.

Mr. MUNFORD moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. MUNFORD carry the bill to the Senate and request their concurrence.

A message was received from the Senate by Mr. TWYMAN, who informed the House that the Senate had passed the bill.

No. 11. House engrossed bill to repeal section 19 of an act entitled an act to provide for the working of roads in the county of Fauquier, approved February 24, 1876, and to amend and re-enact section 23 of said act, as amended and re-enacted by an act entitled an act to amend and re-enact sections 23, 24, 25, and 26 of an act approved February 24, 1876, entitled an act to provide for the working of roads in the county of Fauquier, was read a third time and passed.

Mr. SMITH moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. SMITH carry the bill to the Senate and request their concurrence.

No. 21. House engrossed bill to provide for the payment of the Danville Grays while in the service of the state, was read a third time and passed—yeas 64; nays 2.

The vote required by the constitution, was recorded as follows :

YEAS—Messrs. Speaker, R. J. Anderson, Bailey, Barton, Bishop, Bolen, Burks, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Gose, Armistead Green, Hazlewood, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Marshall, Mauck, Charles C. Meade, David Meade, Moffett, Moorefield, Munford, S. P. Mustard, Noblin, Opie, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Wheeler, and Whitehead—64.

NAYS—Messrs. Duff Green and Ross—2.

Mr. KEEN moved to reconsider the vote by which the bill was passed; which motion was rejected.

A message was received from the Senate by Mr. HEATON, who informed the House that the Senate had agreed to a concurrent resolution, as follows:

Resolved (the House of Delegates concurring), That the execution of the joint order for election of judges at 10 o'clock, P. M., of this day, be postponed until to-morrow at 10 o'clock, P. M., so far as it relates to the election of a judge for the county of Hanover, in which they respectfully request the concurrence of the House.

The Senate resolution was agreed to.

Mr. GRAVES moved to reconsider the vote by which the Senate resolution was agreed to; which motion was rejected.

Ordered, That Mr. GRAVES inform the Senate that the House had agreed to the Senate resolution.

Mr. ECHOLS offered the following concurrent resolution:

Resolved (the Senate concurring), That Wednesday, August 20,

1884, at 1 o'clock, P. M., be fixed as the time for the election of a judge for the county court of Augusta county—

Which was agreed to.

Mr. ECHOLS moved to reconsider the vote by which the concurrent resolution was agreed to; which motion was rejected.

Ordered, That Mr. ECHOLS carry the resolution to the Senate, and request their concurrence.

A message was received from the Senate by Mr. THURMAN, who informed the House that the Senate had agreed to the resolution.

The hour of 1 o'clock, P. M., having arrived,

Ordered, That Mr. FITZPATRICK inform the Senate that the House is ready on its part, to proceed to the execution of the joint order, which has for its object the election of certain judges.

A message was received from the Senate by Mr. BARHAM, who informed the House that the Senate is ready to proceed to the execution of the joint order.

Mr. LAWSON nominated Branch J. Eppes for county judge for Dinwiddie.

Ordered, That Mr. LAWSON inform the Senate that Branch J. Eppes is the only person in nomination before the House.

A message was received from the Senate by Mr. DIGGS, who informed the House that Branch J. Eppes is the only person in nomination before the Senate.

The roll was called with the following result:

For Branch J. Eppes,	-	-	-	69
E. L. Powell,	-	-	-	4

The vote was recorded as follows:

For BRANCH J. EPPES—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Camper, Chapman, Crockett, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gibson, Gordon, Gose, Grattan, Graves, Harrison, Hazlewood, Hubbard, Jones, Keen, Kelly, Kilgore, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Marshall, Mauck, Mays, David Meade, Moffett, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Ryan, Saunders, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and Whitehead—69.

For E. L. POWELL—Messrs. Armistead Green, Harris, Scott, and Wheeler—4.

The SPEAKER appointed Messrs. BURKS, ELLIS and BANKS, the committee on the part of the House, to count and report the joint vote.

The committee, subsequently, by their chairman, reported as follows:

Whole number of votes cast,	-	-	102
Necessary to a choice,	-	-	52
Branch J. Eppes received	-	-	97
E. L. Powell received	-	-	4
Richard T. Wilson received	-	-	1

Branch J. Eppes having received a majority of the whole number of votes cast, was declared duly elected county judge for Dinwiddie, to fill the vacancy occasioned by the death of Judge R. C. Shell.

Mr. FITZPATRICK nominated F. D. Irving of Prince Edward, for judge of the third judicial circuit.

Ordered, That Mr. HUBARD inform the Senate that F. D. Irving is the only person in nomination before the House.

A message was received from the Senate by Mr. PETTIT, who informed the House that F. D. Irving is the only person in nomination before the Senate.

The roll was called with the following result :

For F. D. Irving,	-	-	-	-	78
E. W. Hubbard,	-	-	-	-	1

The vote was recorded as follows :

For F. D. IRVING—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Barton, Bishop, Bolen, Burks, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gibson, Gordon, Gose, Grattan, Graves, Armistead Green, Griffin, Griggs, Harris, Harrison, Hazlewood, Hobson, Hubbard, Jones, Keen, Kilgore, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Marshall, Mauck, Mays, Charles C. Meade, David Meade, Moffett, Moorefield, Munford, S. P. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ross, Ryan, Saunders, Scott, Smith, Soule, Stewart, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and Whitehead—78.

For E. W. HUBARD—Mr. Nance—1.

The committee, subsequently, by their chairman, reported as follows :

Whole number of votes cast,	-	-	109
Necessary to a choice,	-	-	55
F. D. Irving received	-	-	108
E. W. Hubbard received	-	-	1

F. D. Irving having received a majority of the whole number of votes cast, was declared duly elected judge of the third judicial circuit to fill the vacancy occasioned by the death of Judge A. D. Dickinson.

No. 8. House bill to amend an act in relation to petitions for appeals, passed February 17, 1884, and entitled an act to amend sections 3 and 17 of chapter 178 of the Code of 1873, in relation to petitions for appeals, came up.

The substitute offered by Mr. GIBSON was rejected.

The bill was ordered to be engrossed to be read a third time—yeas 56; nays 15.

On motion of Mr. GIBSON, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bishop, Bolen, Brockwell, Camper, Chapman, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Gose, Grattan, Hobson, Hubbard, Jones, Keen, Lawson, Leftwitch, Leigh, Loving, Luttrell, McLin, Marshall, Mays, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Pretlow, Robertson, Ross, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Wescott, Wilkins, and Whitehead—56.

**NAYS**—Messrs. Bailey, Banks, Gibson, Grandstaff, Duff Green, Harrison, Mauck, Charles C. Meade, S. P. Mustard, W. G. Mustard, Richardson, Rosler, Scott, Stewart, and Wheeler—15.

No. 13. House bill to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, was, on motion of Mr. GREEN of *Stafford*, laid on the table.

No. 14. House bill to amend and re-enact section 7 of an act entitled an act for the establishment of a State Female Normal school, approved March 7, 1884, was, on motion of Mr. ANDERSON of *Rockbridge*, passed by.

No. 18. House bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, was, on motion of Mr. LAWSON, passed by.

No. 22. House bill to amend and re-enact section 8 of chapter 25 of an act entitled an act to revise, amend and re-enact sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of chapter 16; sections 8, 9, 10 and 11 of chapter 48; chapter 96; sections 35 and 37 of chapter 180; chapters 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207 and 208 of the Code of 1873, and acts amendatory thereof, and regulating certain fees in criminal cases, approved March 14, 1878, was, on motion of Mr. POLLARD, laid on the table.

A message was received from the governor as follows:

# COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, August 19, 1884.

To the General Assembly:

The subjects treated in this communication cover several matters as to which information has been asked by special resolution of the Senate or House of Delegates.

## FINANCIAL.

Since the adjournment of your bodies, March 19, 1884, a succession of vexatious suits have been brought against the commonwealth in various courts; none of these, however, have resulted in any serious interception of the public revenues. The collections have been satisfactory up to the present time, and their amount, in my judgment, establishes the fact that our income under the

present rate of taxation will be ample to discharge the expenses of government, including liberal supplies for the schools and asylums, and to redeem all coupons, at each semi-annual period, on the bonds created by the act of February 14, 1882; but I do not believe that our cash resources are sufficient to meet these current objects, and, in addition, to cover the expenditure of one hundred thousand dollars *per month* in the purchase of Riddleberger bonds. The effect of that policy, while depleting the treasury, has not been to stimulate the market value of the new securities; nor has the rate of funding so increased as to affect materially, or in any sense, which can be taken as a direct result of these monthly purchases, of settling the debt. In view of these facts it is my belief that the purchase per month should be limited to twenty-five thousand dollars, leaving to the discretion of the board of commissioners of the sinking fund, whether any investment should be made. Such outlay will establish a sinking fund more than proportionate to the amount of new three's now funded or likely to be funded in the period of your responsibility, or of mine; and I am certain that a continuance of buying at the present rate will embarrass the treasury, and that, should sales become necessary to restore our cash balances, a decline in price of Riddleberger bonds, out of all proportion to any advantage of purchase, will follow, also, as flowing from that result, a cessation of funding of those classes of bonds which furnish the only obstruction to a conclusive settlement of this controversy. When this policy was inaugurated the Riddleberger bonds were worth more in the market than now by from three to four *per centum*. Were the state now compelled to sell, the pressing upon a market of small demand would depress their nominal value by at least five per centum more. I cannot believe that it is good policy for the state to deal in her own securities to this extent. If there is a surplus of money, to be with safety disposed of, (as the effect of our legislation has been to depress the price of unrecognized or scaled securities), it would seem to be wisest to invest that surplus in the depreciated bonds, and so save to the tax-payers that which they may be otherwise called on to pay in full.

#### THE TREASURY.

In the disposal of the treasurer, for all accounts, there is as of date a little more than \$1,200,000. The next accession to this fund, in any considerable amount, cannot come before December next. In the meantime many and large expenditures must be made. It is also true that this amount is subject to heavy deductions before it can be made available for the uses of the commonwealth. The Miller school (which is a trust fund) has to its credit \$112,850 29; the literary fund has \$203,391 35. The school apportionment has not yet been made, which constitutes a direct cash demand; also there remains \$200,000 of the Atlantic, Mississippi and Ohio fund, appropriated but yet unexpended; and, beside this, \$135,000 deposited in the Planters and Mechanics bank of Petersburg, credited to the fund for use, but not now available for any purpose.

In this connection I desire to say that investigation of the dealings of the state with the bank last mentioned is recommended. Also, I would suggest an amendment in the present law authorizing the governor to accept United States bonds at par, or Virginia three's at double market value, as security for state deposits, instead of confining that officer, as the law now does, to the acceptance of personal security.

#### THE PUBLIC DEBT.

In the message addressed to the General Assembly on the 5th of December last, your attention was asked to certain clauses of the act of February 14th, 1882, which in my opinion called for amendment. The recommendations then made, are with earnestness renewed. Recent events have emphasized the necessity for some further legislation on the subject. You are respectfully referred to page 19 of the House Journal, for the session of 1883-4.

In a suit brought by John B. Faure *vs.* the Board of Sinking Fund Commissioners, before the circuit court of the city of Richmond, a mandamus was applied for, to compel the said commissioners to fund the coupons of the plaintiff, which had matured since the 1st of July, 1882. Issue was joined, and the case was removed under protest of the representatives of the commonwealth, to the circuit court of the United States for the eastern district of Virginia. On the 14th of August, inst., that tribunal rendered a judgment in favor of the plaintiff and against the state; thereby deciding that any creditor holding consol or ten-forty bonds, could up to the period of maturity of either class of these bonds, fund his coupons into new three's, dollar for dollar—thus creating a new debt of new interest and compound interest, and still retain his original claim upon the state for principal.

The attorney-general advises me that an appeal lies in this case to the supreme court of the United States; and that officer has taken steps to make such appeal. But I recommend and urge such immediate legislation as will place the spirit and letter of the act of February 14th, 1882, beyond the possibility of misconstruction in this regard.

## MISCELLANEOUS.

I recommend that ten thousand dollars be appropriated from the general fund for the Female normal school at Farmville.

Also, thirty thousand dollars to complete the Central lunatic asylum at Petersburg.

Also, thirty thousand dollars to the Western lunatic asylum at Staunton—\$16,250 of this amount to be applied to the covering of the deficiency in current revenue, up to and including the 30th day of September, 1884, and the remainder to be used only for repairs and permanent improvement.

I ask, on the recommendation of the board, which has my full concurrence, an appropriation of ten thousand dollars, to enable this commonwealth to make a proper exhibit of her resources at the World's exhibition at New Orleans in December next.

WILLIAM E. CAMERON.

On motion of Mr. POLLARD, the message was passed by and ordered to be printed.

No. 20. House bill to amend and re-enact sections, 13, 48, 72, 110, and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, was read a second time.

The question being on agreeing to the substitute proposed by the committee on finance,

On motion of Mr. MUFORD, the House adjourned until to-morrow, at 12 M.

WEDNESDAY, August 20, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 19, 1884.*

The Senate have passed Senate bill entitled an act to provide for working and keeping in repair the public roads in Madison county, &c., No. 39; in which bill they respectfully request the concurrence of the House of Delegates.

No. 39. Senate bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. CHAPMAN, requiring its reference to a committee.

No. 30. House bill to amend and re-enact sections 3, 6, and 15 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them from the waters of the commonwealth, reported from the committee on the Chesapeake and its tributaries, was read a first time.

The following House bill and joint resolution, reported from the committee on finance, were read a first time:

No. 31. House bill for the relief of the tax-payers of Alleghany county, with an amendment.

No. 32. House joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000, with a substitute.

No. 33. House bill to amend and re-enact sections 3, 7, 10, 12, and 14 of chapter 102 of the Code of 1873, in reference to diseased cattle and the appointment of inspectors therefor, reported from the committee on agriculture and mining, was read a first time.

No. 34. House bill to amend and re-enact sections 1 and 3 of an act entitled an act to amend and re-enact an act approved January 11, 1877, entitled an act to provide for the appointment and removal of district school trustees, and to repeal the fourth clause of the seventh section of the seventy-eighth chapter of the Code of 1873, in force February 20, 1884, reported from the committee on schools and colleges, was read a first time.

Leave of absence was granted Messrs. MOFFETT and NANCE one day each; Mr. CARDWELL four days, and Mr. KEEN an indefinite leave.

The following were presented and referred under rule 37:

By Mr. HOBSON: A bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan and Goochland, as relates to the county of Powhatan. Referred to the committee on counties, cities and towns.

By Mr. BAKER: A bill to provide for the working of roads in the county of Chesterfield. Referred to the committee on counties, cities and towns.

By Mr. VAUGHAN of *Grayson*: A bill to amend and re-enact sections 2 and 14 of an act approved March 3, 1884, entitled an act to provide for the working of the public roads in the county of Grayson. Referred to the committee on counties, cities and towns.

By Mr. VAUGHAN of *Goochland*: A bill to provide for the working of the roads in the county of Goochland. Referred to the committee on counties, cities and towns.

By Mr. GREEN of *Stafford*: A bill for the relief of Dr. W. B. K. Price. Referred to the committee on finance.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 20. House bill to amend and re-enact sections 13, 72, 110 and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, unfinished business, came up.

The substitute proposed by the committee on finance, was agreed to.

The bill was ordered to be engrossed to be read a third time.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, was read a third time and passed.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 39, Senate bill to provide for working and keeping in repair the public roads in Madison county, &c., was read a third time and passed.

Mr. CHAPMAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 14. House bill to amend and re-enact section 7 of an act entitled an act for the establishment of a State Female normal school, approved March 7, 1884, was, on motion of Mr. ANDERSON of *Rockbridge*, passed by.

The hour of 1 o'clock P. M. having arrived, being the hour fixed for the election of county judges for Hanover and Augusta,

Mr. MUNFORD offered the following concurrent resolution:

Resolved (the Senate concurring), That so much of the joint resolution as relates to the election of a county judge for Hanover, be and the same is hereby rescinded—

Which was agreed to.

Mr. MUNFORD moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. MUNFORD carry the resolution to the Senate and request their concurrence.

A message was received from the Senate by Mr. LOVENSTEIN, who informed the House that the Senate had agreed to the resolution.

Mr. OPIE nominated John W. Stout for county judge for Augusta.

Ordered, That Mr. ECHOLS inform the Senate that John W. Stout is the only person in nomination before the House.

A message was received from the Senate by Mr. WINGFIELD, who informed the House that John W. Stout is the only person in nomination before the Senate.

The roll was called with the following result:

For John W. Stout, -	-	-	-	55
R. G. Banks, -	-	-	-	1

The vote was recorded as follows:

For JOHN W. STOUT—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bishop, Bolen, Camper, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Gose, Grattan, Graves, Hobson, Jones, Keen, Leftwich, Leigh, Loving, McLin, Marshall, Mays, David Meade, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, and Whitehead—55.

For R. J. BANKS—Mr. Duff Green—1.

The SPEAKER appointed Messrs. ELLIS, OPIE, and GRANDSTAFF, the committee on the part of the House to count and report the joint vote.

The committee, subsequently, by their chairman, reported as follows:

Whole number of votes cast, -	-	-	85
Necessary to a choice, -	-	-	43
John W. Stout received -	-	-	84
R. G. Banks received -	-	-	1

John W. Stout having received a majority of the whole number of votes cast, was declared duly elected county judge for Augusta, to fill the vacancy occasioned by the resignation of Judge W. A. Hudson.

No. 18. House bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, was read a second time.

Mr. DUNN moved to amend the bill by striking out "\$30,000," and inserting "\$20,000."

Mr. POLLARD moved to amend the amendment offered by Mr. DUNN, by inserting "\$10,000"; which was rejected.

The amendment offered by Mr. DUNN was agreed to.

Mr. GRATTAN moved to amend the bill by adding at the end of the first section, the following:

"Provided that no part of this sum shall be used for current expenses of the asylum, but only for the furniture, repairs, and permanent improvements necessary"—

Which was agreed to.

The bill was ordered to be engrossed to be read a third time.

Mr. OPIE moved that No. 32, House joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000, be read a second time this day; which motion was rejected—not two-thirds in the House so determining.

No. 23. House bill to amend and re-enact sections 3 and 4 of an act entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, approved March 15, 1884, was read a second time, and ordered to be engrossed to be read a third time.

No. 24. House bill to amend and re-enact section 13 of chapter 450 of the Acts of 1883-4, in relation to the tax on deeds, was, on motion of Mr. POLLARD, laid on the table.

The following House bills were read a second time and ordered to be engrossed to be read a third time:

No. 25. House bill to amend and re-enact sections 1, 2, 3 and 7 of an act approved March 3, 1884, entitled an act to amend and re-enact an act to incorporate the town of Bridgewater, approved February 7, 1835, and all acts amendatory thereof.

No. 26. House bill to amend and re-enact sections 4, 8 and 9 of chapter 156 of Acts of the General Assembly of 1883-4, in regard to the working of roads in Russell county.

No. 27. House bill to amend and re-enact sections 4, 8, 9 and 10 of an act approved March 4, 1884, to provide for the working of roads and repairing of bridges in the county of Scott.

No. 28. House bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873, was read a second time—pending its consideration,

On motion of Mr. BROCKWELL, the House adjourned until to-morrow, at 12 M.

THURSDAY, AUGUST 21, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 20, 1884.*

The Senate have agreed to substitute proposed by the House of Delegates, to Senate bill entitled an act to amend and re-enact sections 6 and 8 of chapter 5 of the Code of 1873, establishing electoral districts, relating to the apportionment for electors of president and vice-president of the United States, and providing for the choice of electors, No. 10.

No. 35. House bill to amend and re-enact sections 2, 7, 9, 18, 20, 22, and 24 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885, reported from the committee on finance, was read a first time.

No. 36. House bill to provide a new registration in the county of Fairfax, reported from the committee of privileges and elections, was read a first time.

No. 37. House joint resolution authorizing the governor of Virginia, to pay George H. Bagwell, for services rendered in establishing a boundary line between Virginia and Maryland, reported from the committee on Chesapeake and its tributaries, was read a first time.

Mr. OPIE offered the following resolution:

Resolved, That after this date the House shall meet at 11 o'clock, A. M.

On motion of Mr. GREEN of *Stafford*, the resolution was amended by striking out the words "11 o'clock," and inserting "6 o'clock"; which was agreed to.

The resolution as amended, was rejected.

A communication from the governor was read as follows:

COMMONWEALTH OF VIRGINIA,  
GOVERNOR'S OFFICE,

RICHMOND, August 21, 1884.

*To the General Assembly:*

I am in receipt of the resignation of Hon. John C. Weedon, judge of the county court of Prince William.

WILLIAM E. CAMERON.

The communication was referred to the committee for courts of justice.

Mr. POWELL offered the following concurrent resolution:

Resolved (the Senate concurring), That the General Assembly will proceed to-morrow at 1 o'clock, P. M., to elect a county judge of Prince William—

Which was agreed to.

Mr. POWELL moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. POWELL carry the resolution to the Senate, and request their concurrence therein.

A message was received from the Senate by Mr. MEREDITH, who informed the House that the Senate had agreed to the resolution.

A communication was received from the governor and president of the board of public works, forwarding the report of the board of commissioners to select a site for another lunatic asylum, to be known as the Southwestern lunatic asylum.

On motion of Mr. SMITH, the communication and report were passed by and ordered to printed. Doc. No. 3.

Mr. GIBSON offered the following resolution:

Resolved, That the committee on asylums and prisons be instructed to ascertain and report the number of the patients and employees in each of the asylums of the state, and whether the number of employees therein can be reduced without detriment to the best interests of these institutions, and if so, the best mode and means of making such proposed reduction.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

The committee on finance recommend that the House agree to the following resolution:

Resolved, That the committee on finance be instructed to ascertain and report to this House, whether any of the banks which are depositories of state funds have made any loans to officers of the state government, and if so, what was the amount of such loan, what security was given therefor, and under what circumstances any such loan was made, together with any matter deemed pertinent by the committee to be reported in this connection, and that the committee be empowered to send for persons and papers, to take the testimony of witnesses, and employ a stenographer.

The resolution was agreed to.

Leave of absence was granted Messrs. SEAY one day; CHAPMAN and GARNETT two days each; and GRIFFIN, VAUGHAN of *Goochland*, and GRATTAN three days each.

Mr. MARSHALL offered the following resolution:

Resolved, That the committee on finance be, and they are hereby directed to report a bill forthwith providing for the payment of all the applications of disabled and wounded soldiers, now on file in the auditor's office, as shown by his report to this House as of the fifteenth day of August, eighteen hundred and eighty-four,

where said applicants have fully complied with the requirements of the act of the General Assembly, approved February twenty-fifth, eighteen hundred and eighty-four.

On motion of Mr. MARSHALL the resolution was passed by and ordered to be printed.

The following were presented and referred under rule 37:

By Mr. WARD: A bill to incorporate the town of Lynch's Station in the county of Campbell. Referred to the committee on counties, cities and towns.

By Mr. FITZPATRICK: A bill to provide the manner in which the Nelson improvement company may obtain a license to operate its telephone and fix the amount to be paid therefor. Referred to the committee on finance.

By Mr. VAUGHAN of *Goochland*: A bill to authorize the trustees of certain church property in Louisa county, to sell the same. Referred to the committee for courts of justice.

By Mr. HARRISON: A bill authorizing the board of supervisors of Sussex to increase the salary of county judge. Referred to the committee for courts of justice.

By Mr. TRIGG: Memorial on behalf of creditors of the Planters and Mechanics bank of Petersburg, for the passage of laws for the better protection of depositors in banks. Referred to the committee on finance.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 28. House bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873, unfinished business, came up.

On motion of Mr. Barton, the bill was amended by striking out the words "Be it enacted by the General Assembly of Virginia, That sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873, be amended and re-enacted so as to read as follows:" and insert in lieu thereof the following:

"1. Be it enacted by the General Assembly of Virginia, That sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, and which are sections 2 and 3 of chapter 7 of the Code of 1873; and section 24 of an act entitled an act to provide for a general election, approved May 11 1870, chapter 76, section 24, page 82, Acts 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact

sections 39, 40 and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8, Code of 1873, be amended and re-enacted so as to read as follows:

Mr. PORTER moved to dismiss the bill; which motion was rejected—yeas 15; nays 54.

On motion of Mr. PORTER, the vote was recorded as follows:

YEAS—Messrs. Bishop, Brockwell, Gibson, Gose, Armistead Green, Harris, Kilgore, McLin, S. P. Mustard, Porter, Richardson, Rosler, Scott, Wheeler, and White—15.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Hobson, Jones, Keen, Kelly, Leftwich, Leigh, Loving, Luttrell, Marshall, Mays, David Meade, Moffett, Moorefield, Munford, Noblin, Opje, Overby, Paxton, Pollard, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Winn—54.

On motion of Mr. GRATTAN, the bill was amended by inserting after the word "act," in third line of second section as proposed to be amended, the words "proceed to fill any vacancy existing in the office of registrar, and at the January court, 1885."

On motion of Mr. BARTON, the bill was amended by striking out in nineteenth and twentieth lines of section 2, as proposed to be amended, the words "expiration of the terms for which they are appointed," and inserting "30th of January, 1885."

On motion of Mr. BARTON, the bill was recommitted to the special committee on election laws.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate had agreed to the amendment of the House to Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same and for the prompt and regular payment of the interest thereon, with an amendment; in which they respectfully request the concurrence of the House.

A message was received from the Senate by Mr. GAINES, who informed the House that the Senate had passed Senate bill entitled an act to amend and re-enact section 7 of an act for the establishment of a State Female Normal school, approved March 7, 1884, No. 5; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before House.

The bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. ELLIS, requiring its reference to a committee.

The bill came up.

On motion of Mr. BARTON, the bill was passed by.

No. 8. House engrossed bill to amend and re-enact sections 8 and 17, chapter 17 of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error, and supersedeas, was read a third time and passed.

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Mr. OPIE moved that House joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000 be taken up out of its order on the calendar; which motion was rejected, not two-thirds voting in the affirmative.

No. 18. House engrossed bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, came up.

Mr. GRATTAN moved that the bill be committed to the committee on finance; which motion was rejected—yeas 38; nays 40.

On motion of Mr. OPIE, the vote was recorded as follows:

YEAS—Messrs. R. J. Anderson, Baker, Barton, Bolen, Crockett, Curtis, Darst, Dunlop, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Hobson, Jones, Keen, Leftwich, Leigh, Loving, Luttrell, Mays, Moorefield, Noblin, Overby, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, John W. Vaughan, R. F. Vaughan, and Whitehead—38.

NAYS—Messrs. Speaker, William A. Anderson, Banks, Bishop, Brockwell, Camper, Dunn, Echols, A. Browne Evans, Garnett, Gibson, Gose, Duff Green, Armistead Green, Griggs, Harris, Hazlewood, Hubard, Kilgore, McLin, Marshall, Mauck, Charles C. Meade, David Meade, Munford, S. P. Mustard, W. G. Mustard, Opie, Parker, Paxton, Richardson, Rosler, Saunders, Scott, Tabb, Trigg, Wilkins, Winn, Wheeler, and White—40.

On motion of Mr. DUNN, the bill was recommitted to the committee on asylums and prisons.

On motion of Mr. MARSHALL, the House adjourned until to-morrow at 12 o'clock, M.

FRIDAY, AUGUST 22, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 21, 1884.*

The Senate have passed Senate bills entitled an act to amend and re-enact section 6 of chapter 71 of an act entitled an act to amend and re-enact section 1 of chapter 12 of the Code of 1873, with regard to official bonds, approved February 2, 1875, No. 37; an act to allow the deputies of Stephen H. Turner, late county treasurer of Amherst county, further time to return lists of insolvents and

delinquents, No. 28; an act to repeal section 28 of chapter 352 of the Acts of 1883-4, so far as the same relates to public roads in Amherst county, No. 3; an act to amend chapter 28 of the Acts of Assembly of 1881-2, entitled an act authorizing the city of Norfolk to issue its bonds for the purpose of retiring and refunding certain bonds now outstanding, No. 38; an act to authorize the board of directors of the Eastern lunatic asylum to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, No. 46; and an act to allow the deputies of Stephen H. Turner, late county treasurer of Amherst county, further time to levy for taxes, No. 29; in which bills they respectfully request the concurrence of the House of Delegates.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds, issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, was referred to the committee on finance.

Nos. 3, 28, and 29. Senate bills, were read twice and placed on the calendar, the rule having been suspended on motions severally made by Mr. LOVING, requiring their reference to committees.

No. 38. Senate bill, was read twice and referred to the committee on counties, cities and towns.

No. 46. Senate bill, was read twice. Mr. CAMPER moved to suspend the rule requiring its reference to a committee; which motion was rejected.

The bill was referred to the committee on asylums and prisons.

No. 37. Senate bill, was read twice and referred to the committee for courts of justice.

No. 28. House bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8, of the Code of 1873, heretofore recommitted to the special joint committee on election laws, was reported back with an amendment in the nature of a substitute.

The following House bills, reported from the committee on counties, cities, and towns, were read a first time:

No. 38. House bill to amend and re-enact sections 2 and 14 of an act approved March 3, 1884, entitled an act to provide for working the roads in the county of Grayson.

No. 39. House bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan, and Goochland, as relates to the county of Powhatan, and to apply the general law to the said county.

No. 40. House bill to provide for working the roads in the county of Goochland.

No. 41. House bill for the working of the roads in the county of Chesterfield.

No. 42. House bill to amend and re-enact an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county.

The following House bills reported from the committee on finance, were read a first time:

No. 43. House bill to amend and re-enact section 25 of chapter 58 of the Code of 1873, in regard to in what banks the money of the state is to be kept.

No. 44. House bill to regulate the payment of fees to jailors.

Leave of absence was granted Messrs. BAKER one day; HARRISON, WHEELER, MAYS, GRIFFIN, MOOREFIELD, OVERBY, and PETERS two days each; and LAWSON four days.

Mr. PETERS offered the following resolution:

Resolved, That when the House adjourn to-day, it adjourn to meet to-morrow morning at 10 o'clock.

Mr. GREEN of *Stafford*, moved to strike out "10 o'clock," and insert "6 o'clock"; which motion was rejected.

Mr. HUBARD moved to amend the resolution by striking out the words "to-morrow morning at 10 o'clock," and inserting "Monday next at 12 o'clock, M."; which motion was rejected.

The resolution offered by Mr. PETERS, was rejected.

On motion of Mr. PRETLOW,

Resolved, That during the remainder of the session that speeches be limited to five minutes.

Mr. CAMPER offered the following concurrent resolution:

Resolved (the Senate concurring), That the clerk of the House of Delegates and keeper of the rolls, be, and he is hereby instructed to secure from the clerks of the county and hustings courts of the state official lists of the several voting precincts as now existing in their respective counties and cities for publication in the Acts of the General Assembly—

Which was agreed to.

Mr. CAMPER moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. CAMPER carry the resolution to the Senate, and request their concurrence.

A message was received from the Senate by Mr. LOVENSTEIN, who informed the House that the Senate had agreed to the resolution.

The following were presented and referred under rule 37:

By Mr. GRIFFIN: A bill to provide for new registration of voters in Bruton district, York county. Referred to the committee of privileges and elections.

By Mr. MUNFORD: A bill appropriating \$9,500 to furnish water,

and purchase fire apparatus for the Eastern lunatic asylum. Referred to the committee on asylums and prisons.

By Mr. TRIGG: Memorial on behalf of creditors of the Planters and Mechanics bank of Petersburg, for the passage of laws for the better protection of depositors in banks. Referred to the committee on finance.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 5. Senate bill entitled an act to amend and re-enact section 7 of an act entitled an act for the establishment of a State Female normal school, approved March 7, 1884, came up.

Mr. KEEN moved to insert the words "No officer or teacher in said institution shall be paid a greater sum of money as a salary than fifteen hundred dollars"; which was rejected—yeas 33; nays 43.

On motion of Mr. GRAVES, the vote was recorded as follows:

YEAS—Messrs. R. J. Anderson, Bailey, Bishop, Bolen, Brockwell, Burks, Curtis, Echols, Thomas J. Evans, Fitzpatrick, Gordon, Gose, Graves, Duff Green, Griffin, Keen, Leigh, McLin, Mays, Charles C. Meade, David Meade, Moffett, Munford, S. P. Mustard, Opie, Peters, Porter, Robertson, Rosler, Ryan, John W. Vaughan, Wilkins, and Whitehead—33.

NAYS—Messrs. Speaker, William A. Anderson, Baker, Barton, Camper, Christian, Crockett, Dunn, Dunlop, Ellis, A. Browne Evans, Gibson, Grattan, Griggs, Harrison, Hobson, Hubard, Jones, Kelly, Leftwich, Loving, Luttrell, Marshall, Moon, Nance, Noblin, Parker, Paxton, Pollard, Powell, Pretlow, Richardson, Saunders, Scott, Smith, Soule, Stribling, Tabb, Trigg, Ward, Wescott, Winn, and White—43.

The bill was read a third time and passed—yeas 59; nays 18.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Camper, Christian, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Fitzpatrick, Gibson, Grattan, Griffin, Griggs, Harrison, Hobson, Hubard, Jones, Kelly, Leftwich, Loving, Luttrell, Marshall, Charles C. Meade, David Meade, Moffett, Moon, Munford, Nance, Noblin, Opie, Parker, Paxton, Peters, Pollard, Powell, Pretlow, Richardson, Robertson, Rosler, Ross, Saunders, Scott, Smith, Soule, Tabb, Trigg, Ward, Wescott, Wilkins, Winn, White, and Whitehead—59.

NAYS—Messrs. Bailey, Bishop, Brockwell, Burks, Curtis, Thomas J. Evans, Gordon, Gose, Graves, Keen, Kilgore, Leigh, McLin, Mays, W. G. Mustard, Porter, Stribling, and John W. Vaughan—18.

Mr. POLLARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

The hour of one o'clock P. M., having arrived,

A message was received from the Senate by Mr. MEREDITH, who informed the House that the Senate is ready on its part to proceed to the execution of the joint order which has for its object the election of a county judge for Prince William.

Ordered, That Mr. POWELL inform the Senate that the House is ready on its part.

Mr. POWELL nominated William E. Lipscomb for county judge for Prince William.

Ordered, That Mr. MUNFORD inform the Senate that William E. Lipscomb is the only person in nomination before the House.

A message was received from the Senate by Mr. MEREDITH, who informed the House that William E. Lipscomb is the only person in nomination before the Senate.

The roll was called with the following result:

For William E. Lipscomb,	-	-	-	58
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The vote was recorded as follows:

For WILLIAM E. LIPSCOMB—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Christian, Crockett, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Graves, Hobson, Jones, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moon, Munford, Noblin, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Smith, Soule, Stribling, Tabb, John W. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—58.

The SPEAKER appointed Messrs. JONES, ROBERTSON and PARKER, the committee on the part of the House to count and report the joint vote.

The committee, by their chairman, reported as follows:

Whole number of votes cast,	-	-	76
Necessary to a choice,	-	-	39
William E. Lipscomb received	-	-	76

William E. Lipscomb having received a majority of the whole number of votes cast, was declared duly elected county judge for Prince William, to fill the vacancy occasioned by the resignation of Judge John C. Weedon.

ROBERT McCANDLISH, JR., delegate elect from the city of Petersburg, was sworn in by the clerk.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate had agreed to House joint resolution authorizing the treasurer and second auditor to provide further safeguards for their respective offices, No. 4; and have passed House bills entitled an act to authorize the board of Miller manual labor school of Albemarle to convert three per cent. coupon bonds issued under the act of February 14, 1882, into registered bonds of the same class, No. 5; an act to direct the auditor of public accounts to turn over to the commissioners of the sinking fund certain bonds in his custody, No. 6; an act to repeal section 19 of an act entitled an act to provide for the working of roads in the county of Fauquier, approved February 24, 1876, and to amend and re-enact section 23 of said act, as amended and re-enacted by an act entitled an act to amend and re-enact sections 23, 24, 25, and

26, of an act approved February 21, 1875, entitled an act to provide for the working of roads in the county of Fauquier, No. 11; and an act to provide for the payment of the Danville Grays while in the service of the state, No. 21; and they have passed with substitutes, House bills entitled an act to declare the true intent and meaning of, and to amend and re-enact section five of chapter 84 of Acts of 1881-2, approved February 14, 1882, No. 2; and an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, No. 3; in which substitutes they respectfully request the concurrence of the House of Delegates.

The SPEAKER laid before the House, House bills Nos. 2 and 3.

No. 2. House bill, was referred to the committee on finance.

No. 3. House bill, was placed on the calendar, the rule having been suspended, on motion of Mr. FITZPATRICK, requiring its reference to a committee.

Subsequently,

On motion of Mr. EVANS of *Richmond city*,

No. 3. House bill, was recommitted to the committee on finance.

A message was received from the Senate by Mr. KEEZELL, who informed the House that the Senate had passed Senate bill entitled an act to authorize the district school boards in the county of Rockingham to use district school funds for the payment of teachers, No. 6; in which they respectfully request the concurrence of the House of Delegates.

The SPEAKER laid No. 6. Senate bill, before the House.

The bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. GRATTAN, requiring its reference to a committee.

Subsequently, the bill was read a third time and passed.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

The following Senate bills were read a third time and passed:

No. 3, Senate bill to repeal section 28 of chapter 352 of the Acts of 1883-4, so far as the same relates to public roads in Amherst county.

No. 28. Senate bill entitled an act to allow the deputies of Stephen H. Turner, late treasurer of Amherst county, further time to return lists of insolvents and delinquents.

No. 29. Senate bill entitled an act to allow the deputies of Stephen H. Turner, late treasurer of Amherst county, further time to levy for taxes.

Motions severally made by Mr. LOVING to reconsider the votes by which Senate bills Nos. 3, 28, and 29, were passed, were rejected.

No. 20. House bill to amend and re-enact sections 13, 48, 72, 110, and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide

for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, was read a third time and passed.

Mr. CAMPER moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 23. House engrossed bill to amend and re-enact sections 3 and 4 of an act entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, approved March 15, 1884, was read a third time and passed—yeas 56; nays 5.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bishop, Bolen, Brockwell, Burks, Crockett, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Gose, Grattan, Graves, Armistead Green, Griffin, Griggs, Jones, Kelly, Kilgore, Leftwich, Leigh, Luttrell, McLin, Marshall, Mays, Charles C. Meade, David Meade, Moon, S. P. Mustard, W. G. Mustard, Nance, Noblin, Opie, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Rosler, Ryan, Saunders, Scott, Soule, Tabb, Ward, and Winn—56.

NAYS—Messrs. Curtis, Gibson, Munford, Stribling, and John W. Vaughan—5.

Mr. POLLARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. POLLARD carry the bill to the Senate and request their concurrence.

A message was received from the Senate by Mr. ROGERS, who informed the House that the Senate had passed Senate bill entitled an act to authorize the common council of the city of Petersburg, to convert coupon bonds into registered bonds, and registered bonds into coupon bonds, No. 33; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was read twice and placed on the calender, the rule having been suspended, on motion of Mr. McCANDLISH, requiring its reference to a committee.

Subsequently,

On motion of Mr. BARTON, the bill was committed to the committee on counties, cities and towns.

No. 25. House engrossed bill to amend and re-enact sections 1, 2, and 7 of an act approved March 3, 1884, entitled an act to amend and re-enact an act to incorporate the town of Bridgewater, approved February 7, 1885, and all acts amendatory thereof, was read a third time and passed.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. GRATTAN carry the bill to the Senate and request their concurrence.

No. 26. House engrossed bill to amend and re-enact sections 4, 8, and 9 of chapter 156 of the Acts of the General Assembly of 1883-4, in regard to the working of roads in Russell county, Virginia, was read a third time and passed.

Mr. GOSE moved to reconsider the vote by which the bill was passed, which motion was rejected.

No. 27. House engrossed bill to amend and re-enact sections 4, 8, and 9 of an act approved March 4th, 1884, to provide for the working of roads and repairing of bridges in the county of Scott, was read a third time and passed.

Mr. MEADE of *Scott*, moved to reconsider the vote by which the bill was passed, which motion was rejected.

No. 14. House bill to amend and re-enact section 7 of an act entitled an act for the establishment of a State Normal school, approved March 7, 1884, was on motion of Mr. GRAVES, dismissed.

No. 28. House bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873, came up.

The substitute proposed by the special joint committee on election laws was agreed to.

The bill as amended was ordered to be engrossed to be read a third time.

No. 29. House bill to repeal an act entitled an act to provide for the manner of choosing registrars and judges and clerks of elections for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, in force February 14, 1884, was read a second time—pending its consideration,

On motion of Mr. ECHOLS, the House adjourned until to-morrow at 12 o'clock M.

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### SATURDAY, August 23, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 22, 1884.*

The Senate have passed Senate bills entitled an act to prescribe the times and places for holding the courts of the sixth judicial circuit, No. 4; an act to regulate the times for holding the circuit courts for the fourth judicial circuit, No. 56; an act to divide the county of Dickenson into two revenue districts, No. 60; and an act to authorize the voters of Smyth county to ratify the action of the board of supervisors of said county in donating lands for South-western lunatic asylum, No. 19; in which bills they respectfully request the concurrence of the House of Delegates.

Nos. 4 and 56. Senate bills were read twice and referred to the committee for courts of justice.

No. 60. Senate bill was read twice and referred to the committee on counties, cities, and towns.

No. 19. Senate bill to authorize the voters of Smyth county to ratify the action of the board of supervisors of said county in donating lands for Southwestern lunatic asylum, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. MUSTARD of *Bland*, requiring its reference to a committee—yeas 42; nays 15.

On motion of Mr. BANKS, the vote was recorded as follows:

YEAS—Messrs. Banks, Bishop, Camper, Crockett, Curtis, Darst, Dunn, Ellis, A. Browne Evans, Gibson, Gordon, Gose, Grattan, Graves, Jones, Kelly, Kilgore, Leftwich, Loving, Luttrell, McCandlish, McLin, Marshall, Mauck, David Meade, Moon, Munford, S. P. Mustard, W. G. Mustard, Nance, Opie, Peters, Pollard, Pretlow, Robertson, Rosler, Ross, Smith, Soule, Trigg, John W. Vaughan, and Winn—42.

NAYS—Messrs. Speaker, R. J. Anderson, Barton, Bolen, Christian, Thomas J. Evans, Fitzpatrick, Leigh, Paxton, Ryan, Saunders, Stribling, Wescott, Wilkins, and Whitehead—15.

No. 2. House bill entitled an act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts of 1881–2, approved February 14, 1882, was reported from the committee on finance with the recommendation that the House disagree to the substitute of the Senate.

No 3. House bill entitled an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, was reported from the committee on finance with amendments to the substitute of the Senate.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, was reported from the committee on finance with the recommendation that the House agree to the amendment of the Senate to the amendment of the House.

No. 18. House engrossed bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, heretofore recommended to the committee on asylums and prisons, was reported back with an amendment.

No. 46. Senate bill entitled an act to authorize the board of directors of the Eastern lunatic asylum to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, was reported from the committee on asylums and prisons.

No. 45. House bill appropriating \$9,500 to furnish water, and purchase fire apparatus for the Eastern lunatic asylum, reported from the committee on asylums and prisons, was read a first time.

No. 46. House joint resolution to fill a vacancy in the board of school commissioners for the county of Loudoun, reported from the committee on schools and colleges, with an amendment in the nature of a substitute, was read a first time.

The resolution offered by Mr. MARSHALL as follows:

Resolved, That the committee on finance be, and they are hereby directed to report a bill forthwith providing for the payment of all the applications of disabled and wounded soldiers, now on file in the auditor's office, as shown by his report to this House as of the fifteenth day of August, eighteen hundred and eighty-four, where said applicants have fully complied with the requirements of the act of the General Assembly, approved February twenty-fifth, eighteen hundred and eighty-four—

Was referred to the committee on finance.

On motion of Mr. MOFFETT,

Resolved, That the public printer be directed to furnish to each member of this House, thirty copies of the report of the House committee for courts of justice, relative to the election laws.

Mr. OPIE under a suspension of the rule, offered the following resolution:

Resolved, That the auditor of public accounts be, and is hereby instructed to report to this General Assembly, what amount of the appropriations for the asylums of the state for the fiscal year ending September 31, 1884, was paid to the retired officials, and also what amount paid to the present boards of said asylums.

The resolution was agreed to.

Leave of absence was granted Messrs. DARST and GRIGGS one day each; Messrs. TABB and NOBLIN two days each; Messrs. GRAVES and GRIGGS, three days each; and an indefinite leave to Mr. GRANDSTAFF.

Mr. BANKS moved that when the House adjourn to-day, it adjourn to meet on Tuesday next at 12 o'clock, M.; which motion was rejected.

The following were presented and referred under rule 37:

By Mr. TRIGG: A bill to incorporate the Adopted Sons and Daughters of Zion, at Abingdon, Virginia. Referred to the committee on propositions and grievances.

By Mr. STUART: A bill to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884. Referred to the committee for courts of justice.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 29. House bill to repeal an act to provide for the manner of choosing registrars and judges and clerks of elections for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, in force February 14, 1884, unfinished business, was ordered to be engrossed and read a third time.

No. 2. House bill entitled an act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts of 1881-2, approved February 14, 1882, came up.

The substitute of the Senate was disagreed to.

Mr. POLLARD moved to reconsider the vote by which the substitute of the Senate was disagreed to; which motion was rejected.

Ordered, That Mr. POLLARD inform the Senate that the House disagrees to the substitute of the Senate.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate insist on their amendment.

The SPEAKER laid the bill before the House.

On motion of Mr. POLLARD, the House insisted on its disagreement.

On motion of Mr. POLLARD,

Resolved (the Senate concurring), That a committee of conference, to consist of three on the part of the Senate and five on the part of the House, be appointed to consider the disagreeing votes of the two houses.

Ordered, That Mr. POLLARD inform the Senate.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate had agreed to the resolution for a committee of conference.

The SPEAKER appointed Messrs. POLLARD, ANDERSON of *Rockbridge*, GIBSON, BARTON, and HUBARD the committee on the part of the House.

No. 46. Senate bill entitled an act to authorize the board of directors of the Eastern lunatic asylum to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, was, on motion of Mr. GIBSON, passed by.

Mr. MUNFORD moved to reconsider the vote by which the bill was passed by; which motion was rejected.

No. 28. House engrossed bill to amend and re-enact sections 2 and 3 of chapter 7, and sections 8 and 24 of chapter 8 of the Code of 1873, in relation to elections, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The bill was read a third time and passed.

The title proposed by the committee as follows:

"To amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, and which is sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to

provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-1, and which is section 24 of chapter 8, Code of 1873, and to make valid all registrations made and elections held since the act of February 14, 1884, became in force"—

Was agreed to.

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BARTON carry the bill to the Senate and request their concurrence.

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had passed the bill.

No. 83. House bill to amend and re-enact sections 3, 7, 10, 12 and 14 of chapter 102 of the Code of 1873, in reference to diseased cattle, and the appointment of inspectors therefor, was, on motion of Mr. Moon, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed to be read a third time.

No. 80. House bill to amend and re-enact sections 3, 6 and 15 of an act approved March 4, 1884, entitled an act for the preservation of oysters and to obtain revenue for the privilege of taking them from the waters of the commonwealth, was, on motion of Mr. EVANS of *Middlesex*, taken up out of its order on the calendar.

The bill was read a second time.

On motions severally made by Mr. EVANS of *Middlesex*, the bill was amended as follows:

Insert in the second line of first section, after the word "six," the word "eleven."

After the word "fifteen," the words "twenty-two, thirty-four and thirty-eight."

Insert after sixth section as proposed to be amended, the following:

"§ 11. If any citizen of this state shall be concerned or interested with any person not resident within this state, in taking, catching or planting oysters within this state, or shall knowingly permit any person not resident within the state to take, catch or plant oysters in his name, he shall be liable to a fine of five hundred dollars, and the vessel or craft so employed in catching or planting oysters shall be forfeited."

Insert after fifteenth section as proposed to be amended, the following:

"§ 22. Upon the arrest of any persons under any section of this act, the inspector may seize and hold any vessel, boat or craft, used or employed by him or them in taking, catching, or carrying oysters, and the same shall be liable for any fine or forfeiture imposed by this act: provided that the master or commander, or the owner

or owners of the aforesaid vessel, boat, or other craft, may relieve the same from the custody of the inspector, by giving bond with approved security before any justice of the peace, or before the judge of the county or corporation court, in term time or vacation, made payable to the commonwealth, in an amount double the fine or forfeiture imposed by law, conditioned to produce the same in as good order as when received, to answer the judgment of the court having jurisdiction of the offence, or otherwise forfeit the bond. Any constable or inspector making any arrest under this act, shall be entitled to receive a fee of two dollars for every arrest so made, which shall be taxable in the costs.

"§ 34. Upon the arrest of any person or persons under the said preceding sections, the canoe, boat or vessel so seized shall be liable for any fine or forfeiture imposed by this act: provided that the master or commander, or the owner or owners of the aforesaid canoes, boats or vessels, may relieve the same from the custody of the person or persons making the seizure or arrest, by giving bond, with approved security, before any justice of the peace, or before the judge of the county or corporation court in term time or vacation, made payable to the commonwealth of Virginia, in an amount double the fine or forfeiture imposed by law, conditioned to produce the same in as good order as when relieved, to answer the judgment of the court having jurisdiction of the offence, or otherwise forfeit the bond. In all cases where the vessels, boats or canoes shall be declared forfeited by the judgment of the court under the preceding sections of this act, the same shall be sold, and the proceeds of sale after deducting and paying the costs of seizure, forfeiture and other expenses of proceedings and of sale, shall be applied as follows: one-half to the captors and one-half to the commonwealth: provided that the captains and crews of the police vessels under this act, shall not receive any portion of said proceeds of sale.

"§ 38. Any vessel or boat which may be found employed by any person whatsoever, in violation of the provisions of this act, so far as they relate to dredging, shall be forfeited to the commonwealth, together with the cargo, and upon affidavit by any person before a justice of the peace, that a vessel or boat employed is, or has been employed since the passage of this act, in violating its provisions, he shall forthwith issue his warrant, directing the sheriff or some constable of his county, or any special constable appointed for the purpose, who shall summon a posse comitatus, if necessary, to capture such vessel or boat, and to retain the same safely until ordered to sell or release it. And upon such seizure, it shall be the duty of the commonwealth's attorney of the county wherein such warrant is issued, forthwith to file a petition in the county court of his county, in which it shall only be necessary to state the fact that such vessel or boat was found employed dredging for oysters, or had been employed in dredging for oysters since the passage of this act, as the case may be, and when and where such vessel or boat was so found,

and praying the forfeiture of such vessel or boat, and thereupon the court shall order the owner or owners of such vessel or boat, if known, and residents of the commonwealth, to be summoned to answer the prayer of said petition at the next term; and if non-residents or unknown, the court shall give notice of the filing of said petition by publication, once a week for four successive weeks, in some newspaper published in the commonwealth; and on a hearing of said petition, a jury shall be empanelled to try the issue whether such vessel or boat has been used in violation of this act, and if judgment be for the commonwealth, the court shall direct the sale of such vessel, boat, or cargo, at public auction, upon reasonable notice and terms; one-half of the proceeds of such sale, after paying the cost of the proceedings and expenses of sale, shall be reported and paid over to the treasurer of the county, as fines due the commonwealth are required by law to be paid, and shall be, by the said treasurer, paid into the treasury of the state to the credit of the oyster law, and the other half shall be paid to the captors of such vessel or boat, unless the captors belong to the police force hereinafter constituted; and should judgment be given for the owners of such vessel or boat, the same shall be forthwith released to them; and if it should be deemed best for the interest of parties during the pendency of proceedings of forfeiture, the court shall have authority to order a sale of such property, or any part thereof, in such a manner and subject to such restrictions as it shall deem just and reasonable. And in case of a sale before a judgment or forfeiture, the proceeds of sale shall be safely kept by the court until after final judgment, when said proceeds shall be disposed of as hereinbefore provided.

Add as an independent section, to come in after the thirty-eighth section as proposed to be amended, the following:

“2. This act shall be in force from its passage.”

The bill as amended, was ordered to be engrossed to be read a third time.

No. 3. House bill entitled an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, came up.

Mr. SMITH moved to pass by the bill; which motion was agreed to—yeas 33; nays 24.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Barton, Christian, Crockett, Echols, Ellis, Fitzpatrick, Gordon, Hobson, Jones, Kelly, Leigh, Loving, Luttrell, Marshall, Moon, Munford, Opie, Paxton, Peters, Pollard, Pretlow, Robertson, Rosler, Ross, Ryan, Smith, Soule, Stribling, Trigg, Wescott, and Wilkins—33.

NAYS—Messrs. Banks, Bishop, Bolen, Camper, Darst, A. Browne Evans, Gose, Graves, Hubbard, Kilgore, Leftwich, McCandlish, McLin, Mauck, Charles C. Meade, David Meade, S. P. Mustard, W. G. Mustard, Nance, Powell, Richardson, Saunders, John W. Vaughan, and Whitehead—24.

On motion of Mr. PETERS, the House adjourned until Monday next, at 12 o'clock, M.

MONDAY, August 25, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate August 23, 1884.*

The Senate have passed House bills entitled an act to amend and re-enact sections 3 and 4 of an act entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, approved March 15, 1884, No. 23.

They have passed Senate bill entitled an act to amend and re-enact section 4 of chapter 182 of the Code as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens, No. 42.

And they have agreed to Senate joint resolution proposing to donate to West Virginia, certain Journals of the Virginia legislature, reports, and other documents, and to sell certain remaining volumes to public libraries.

In which bill and joint resolution they respectfully request the concurrence of the House of Delegates.

No. 42. Senate bill was read twice and referred to the committee for courts of justice.

Senate joint resolution proposing to donate to West Virginia, certain Journals of the Virginia legislature, reports and other documents, and to sell certain remaining volumes to public libraries, was read twice and referred to the committee on the library.

No. 37. Senate bill entitled an act to amend and re-enact section 6 of chapter 71 of an act entitled an act to amend and re-enact section 1 of chapter 12 of the Code of 1873, with regard to official bonds, approved February 2, 1875, was reported from the committee for courts of justice.

No. 47. House bill to amend and re-enact sections 2 and 3 of an act to revise and digest the Code of Virginia, approved March 18, 1884, reported from the committee for courts of justice, was read a first time.

No. 56. Senate bill entitled an act to regulate the times for holding the circuit courts for the fourth judicial circuit, was reported from the committee for courts of justice, with an amendment to the bill and to the title.

The committee on enrolled bills report the following have been approved by the governor, August 23, 1884:

An act to provide for the appointment of electors for president and vice-president of the United States, by election by the people.

An act to amend and re-enact sections 3 and 8 of an act approved March 7, 1884, entitled an act to amend and re-enact the charter of the town of North Danville.

An act to direct the auditor of public accounts to turn over to the commissioners of the sinking fund, certain bonds in his custody.

Joint resolution authorizing the treasurer and second auditor to provide further safeguards for their respective offices.

An act to authorize the board of Miller Manual Labor school of Albemarle, to convert three per centum coupon bonds, issued under the act of February 14, 1882, into registered bonds of the same class.

An act to repeal section 19 of an act entitled an act to provide for the working of roads in the county of Fauquier, approved February 24, 1876, and to amend and re-enact section 23 of said act, as amended and re-enacted by an act entitled an act to amend and re-enact sections 23, 24, 25, and 26 of an act approved February 24, 1876, entitled an act to provide for the working of roads in the county of Fauquier.

An act to provide for the payment of the Danville Grays while in the service of the state.

An act to allow the deputies of Stephen H. Turner, late county treasurer of Amherst county, further time to levy for taxes.

An act to amend and re-enact section 7 of an act entitled an act for the establishment of a State Female Normal school, approved March 7, 1884.

An act to allow the deputies of Stephen H. Turner, late county treasurer of Amherst county, further time to return lists of insolvents and delinquents.

An act to authorize the district school boards in the county of Rockingham, to use districts school funds for the payment of teachers.

An act to provide for working and keeping in repair the public roads in Madison county, &c.

An act to repeal section 28 of chapter 352 of the Acts of 1883-4, so far as the same relate to public roads in Amherst county.

Mr. HAZLEWOOD offered the following resolution:

Resolved, That the committee on finance be instructed to report forthwith a bill appropriating a sum of money sufficient to carry out the objects and purposes of the act approved February 25, 1884, entitled an act to give aid to the citizens of Virginia wounded and maimed during the late war while serving as soldiers or marines.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

A communication from the state board of canvassers in relation to the special election in King William, was read as follows:

COMMONWEALTH OF VIRGINIA,  
OFFICE OF SECRETARY OF THE COMMONWEALTH,  
RICHMOND, August 23, 1884.

To the Hon. CHARLES E. STUART,  
*Speaker of the House of Delegates of Virginia:*

At a meeting of the board of state canvassers, held in the office of the secretary of the commonwealth, on this day, election returns from the county of King William, of the special election held in said county on the 18th of August, 1884, for a member of the House of Delegates, under a writ issued by the governor of Virginia for that purpose, were opened and inspected.

On consideration whereof, it appearing that H. I. Lewis had received the greatest number of votes, the said board directed the secretary of the commonwealth to issue to the said Lewis a certificate of election as a member of the House of Delegates of Virginia, from said county of King William.

It also appeared upon the inspection of said returns that the board of commissioners for said county certified that A. T. Mooklar had received the greatest number of votes.

It was therefore determined by said board of state canvassers that a certified copy of said election returns should be transmitted to your honorable body, which is accordingly done.

H. W. FLOURNOY,  
*Secretary of the Commonwealth.*  
MORTON MARYE,  
*Auditor of Public Accounts.*  
F. S. BLAIR,  
*Attorney General.*  
I. R. BARKSDALE,  
*Treasurer.*

[Copy.]

Abstract of votes cast in the county of King William, and state of Virginia, for a member of the House of Delegates, at a special election held on Monday, the 18th day of August, 1884. For House of Delegates, H. I. Lewis received eight hundred and forty-four votes (844.) For House of Delegates, A. T. Mooklar received seven hundred and forty-seven votes (747.)

CLERK'S OFFICE OF KING WILLIAM COUNTY COURT,  
August 20, 1884.

We, the undersigned commissioners of the special election, held in the said county of King William, on Monday, the 18th day of August, certify that the above is a true and correct abstract from the returns of said election, and do, therefore, determine and declare that A. T. Mooklar received the highest number of votes cast at said election for member of the House of Delegates.

Given under our hands the day above written.

O. S. TERRY,  
WM. EDWARDS,  
R. W. FOX,  
*Commissioners.*

Attest:

O. M. WINSTON,  
*Clerk of King William County.*

CLERK'S OFFICE OF KING WILLIAM COUNTY COURT,  
August the 20th, 1884.

I, O. M. Winston, clerk of the county court of King William county, hereby certify that the foregoing is a true copy of the abstract of votes given at the special election above named, as certified, signed and attested according to law, and deposited in my office.

In testimony whereof, I have hereto set my hand and affixed my seal of said court.

[SEAL.]

O. M. WINSTON,  
Clerk of King William County Court.

CLERK'S OFFICE KING WILLIAM COUNTY COURT,  
August 20, 1884.

I, O. M. Winston, clerk of King William county court, do certify that O. S. Terry, being the only commissioner in attendance this day, he selected Wm. Edwards and R. W. Fox as associate commissioners, who were duly sworn as such commissioners before entering upon the discharge of their duties.

Teste:

O. M. WINSTON,  
Clerk, &c.

OFFICE OF SECRETARY OF THE COMMONWEALTH,  
RICHMOND, August 23, 1884.

Certified a true copy of the return from the county of King William on file in this office.

Witness my hand and official seal.

[SEAL.]

H. W. FLOURNOY,  
Secretary of the Commonwealth.

The communication was referred to the committee of privileges and elections.

Mr. DUNN offered the following resolution:

Resolved, That the committee on finance be instructed to report a bill repealing the provision of law that requires a penalty of five per centum on the failure to pay any taxes within a stated period.

The House referred the resolution to the committee on finance.

A message was received from the Senate by Mr. EDMUNDS, who informed the House that the Senate had passed House bills entitled an act to amend and re-enact an act to provide for authorizing religious congregations and other benevolent, literary and charitable institutions, which are not incorporated, to sell, exchange or encumber their property, approved January 31, 1884, No. 9; an act to amend and re-enact sections 1, 2, and 7 of an act approved March 8, 1884, entitled an act to amend and re-enact an act to incorporate the town of Bridgewater, approved February 7, 1885, and all acts amendatory thereof, No. 25; and an act to amend and re-enact sections 3 and 17 of chapter 178 of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error, and supersedeas, No. 8.

A message was received from the Senate by Mr. FLETCHER, who informed the House that the Senate had passed Senate bill entitled

an act to permit the qualified voters of the county of Accomac, to vote upon the proposition of a change of location in the county seat, No. 21; in which they respectfully request the concurrence of the House.

The bill was read twice and referred to the committee on counties, cities and towns.

A message was received from the Senate by Mr. FLANARY, who informed the House that the Senate had passed House bills entitled an act to amend and re-enact sections 4, 8, and 9 of chapter 156 of the Acts of the General Assembly of 1883-4, in regard to the working of roads in Russell county, No. 26; and an act to amend and re-enact sections 4, 8, and 9 of an act approved March 4, 1884, to provide for the working of roads and repairing bridges in the county of Scott, No. 27.

The following were presented and referred under rule 37:

By Mr. KILGORE: A bill to allow T. A. Gillespie, late county treasurer of Buchanan county, further time to collect certain taxes and county school levies in said county. Referred to the committee on finance.

By Mr. MUSTARD of *Tazewell*: A bill to amend and re-enact section 1 of an act entitled an act to incorporate the town of Jeffersonville, in the county of Tazewell, approved on the 22d day of February, 1866. Referred to the committee on counties, cities and towns.

By Mr. KILGORE: A bill to repeal chapter 48 of the Acts of 1883-4, in relation to the distribution and delivery of dead human bodies for the use of medical colleges. Referred to the committee of propositions and grievances.

By Mr. PETERS: A bill for the protection of trout in Dan river. Referred to the committee on the Chesapeake and its tributaries.

By Mr. BARTON: A bill to amend and re-enact an act entitled an act to amend and re-enact sections 4 and 5 of chapter 115, Code of 1873, as amended by an act approved March 31, 1875, and an act approved February 10, 1880, and an act approved March 17, 1884, relating to mechanics liens. Referred to the committee for courts of justice.

By Mr. GIBSON:

Resolved, That the committee on asylums and prisons be requested to ascertain and report what amount of the appropriation granted to the various lunatic asylums of the state, for the year commencing October 1, 1883, and terminating October 1, 1884, have been already expended, and for what objects, and in what sums, and what balances remain in the treasury.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 3. House bill entitled an act to provide for the assessment of real estate in this state, in the year 1885, and every fifth year thereafter, was, on motion of Mr. RYAN, laid on the table.

No. 46. Senate bill entitled an act to authorize the board of directors of the Eastern lunatic asylum, to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, was, on motion of Mr. BARTON, passed by.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds, issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, was, on motion of Mr. MARSHALL, passed by.

No. 29. House bill to repeal an act entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, in force February 14, 1884, was read a third time and passed.

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BARTON carry the bill to the Senate and request their concurrence.

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had passed the bill.

No. 19. Senate bill entitled an act to authorize the voters of Smyth county to ratify the action of the board of supervisors of said county in donating lands for Southwestern lunatic asylum, came up.

Mr. SAUNDERS moved that the bill be committed to the committee on asylums and prisons; which motion was rejected.

The bill was read a third time and passed.

Mr. MUSTARD of *Tazewell*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 37. Senate bill entitled an act to amend and re-enact section 6 of chapter 71 of an act to amend and re-enact section 6 of chapter 12 of the Code of 1873, with regard to official bonds, approved February 2, 1875, was read a third time and passed.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 56. Senate bill entitled an act to regulate the times for holding the circuit courts for the fourth judicial circuit, came up.

The amendment proposed by the committee for courts of justice, was agreed to.

The bill was ordered to its third reading.

No. 30. House bill to amend and re-enact sections 3, 6, and 15 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking

them from the waters of the commonwealth, was read a third time and passed.

On motion of Mr. EVANS of *Middlesex*, the title was amended by striking out "fifteen," and inserting "eleven, fifteen, twenty-two, thirty-four and thirty-eight."

Mr. EVANS of *Middlesex*, moved to reconsider the vote by which the bill was passed; which motion was rejected—yeas 17; nays 44.

On motion of Mr. BANKS, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Bishop, Brockwell, Curtis, Echols, Armistead Green, Kilgore, McCandlish, McLin, Mauck, Charles C. Meade, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, and Wescott—17.

**NAYS**—Messrs. Speaker, R. J. Anderson, Barton, Bolen, Camper, Chapman, Christian, Crockett, Darst, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Jones, Kelly, Leftwich, Leigh, Loving, Marshall, David Meade, Moffett, Moorefield, Munford, Opie, Paxton, Peters, Powell, Pretlow, Robertson, Rosler, Ryan, Saunders, Smith, Soule, Stribling, Trigg, John W. Vaughan, Ward, Wilkins, and Winn—44.

Ordered, That Mr. EVANS of *Middlesex*, carry the bill to the Senate and request their concurrence.

Mr. STUART moved that No. 47. House bill to amend and re-enact sections two and three of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884, be read a second time this day; which motion was rejected—not two-thirds in the House so determining.

No. 33. House engrossed bill to amend and re-enact sections 3, 7, 10, 12, and 14 of chapter 102 of the Code of 1873, in reference to diseased cattle and the appointment of inspectors therefor, was read a third time and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 18. House bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, was read a second time.

The amendment proposed by the committee on asylums and prisons, as follows:

Strike out the words "grounds, roads and appurtenances"—  
Was agreed to.

Mr. GIBSON moved to strike out "\$20,000," and insert "\$15,000"; which was rejected—yeas 31; nays 34.

On motion of Mr. DUNN, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, Barton, Bishop, Chapman, Christian, Crockett, Curtis, Ellis, Thomas J. Evans, Gibson, Gose, Grattan, Hobson, Jones, Kelly, Leftwich, Leigh, Loving, McLin, Marshall, Moorefield, Peters, Pretlow, Ryan, Smith, Soule, Stribling, John W. Vaughan, Wescott, Wilkins, and Whitehead—31.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Banks, Bolen, Brockwell, Camper, Dunn, Echols, Fitzpatrick, Garnett, Gordon, Duff Green, Armistead Green, Hazlewood, Hubbard, Kilgore, McCandlish, Mauck, Charles C. Meade, David Meade, Munford, S. P. Mustard, W. G. Mustard, Nance, Opie, Parker, Paxton, Richardson, Robertson, Rosler, Saunders, Trigg, Ward, and White—34.

Mr. BARTON offered the following amendment, which he subsequently withdrew:

"Provided however, that neither the authorities of the Central lunatic asylum, nor of any other asylum of this state, shall expend any money appropriated under this or any other act of this General Assembly for the expenses of such asylum, except for the current expenses of the fiscal year for which the appropriation is made; nor shall the authorities of any asylum borrow any money or make any other debt of any kind to be paid otherwise than is provided for in this act; and it shall not be lawful for the authorities of any asylum to furnish to the members of the board of visitors of any asylum any whiskey or wine or any malt or alcoholic liquors of any kind at the expense of the fund appropriated for the expenses of such asylum."

The bill as amended, was ordered to be engrossed to be read a third time—yeas 49; nays 18.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. R. J. Anderson, William A. Anderson, Banks, Bishop, Bolen, Brockwell, Camper, Christian, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Garnett, Gordon, Gose, Grattan, Duff Green, Armistead Green, Hazlewood, Hubbard, Jones, Kilgore, Loving, McCandlish, McLin, Mauck, Charles C. Meade, Munford, S. P. Mustard, W. G. Mustard, Nance, Opie, Parker, Paxton, Powell, Pretlow, Richardson, Robertson, Rosler, Saunders, Soule, Trigg, John W. Vaughan, Ward, and White—49.

NAYS—Messrs. Speaker, Barton, Chapman, Custis, Gibson, Hobson, Kelly, Leftwich, Leigh, Marshall, Moorefield, Peters, Ryan, Smith, Stribbling, Wescott, Wilkins, and Whitehead—18.

On motion of Mr. ECHOLS, the House adjourned until to-morrow at twelve o'clock M.

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## TUESDAY, AUGUST 26, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 25, 1884.*

The Senate have passed, Senate bills entitled an act for the relief of the sureties of Stephen H. Turner, county treasurer of Amherst county, No. 45; an act for the compensation of W. W. Wood, of Mecklenburg county, No. 53; an act to allow Henry R. Burger, late treasurer of Botetourt county, further time to return lists of insolvents and delinquents, No. 47; an act to allow further time for the treasurer of Henrico county to make returns of delinquent taxes, No. 35; an act to authorize the erection of a section toll-gate from Hobb's ferry, at Peterstown, in Giles county, No. 15.

And they have agreed to joint resolution directing the keeper of the rolls to have two thousand copies of the election law (House bill No. 28) printed for distribution.

In which bills and joint resolution they respectfully request the concurrence of the House of Delegates.

No. 47. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. CAMPER, requiring its reference to a committee.

No. 45. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. LOVING, requiring its reference to a committee.

No. 15. Senate bill, was read twice and referred to the committee on roads and internal navigation.

No. 35. Senate bill, was read twice and referred to the committee on finance.

No. 53. Senate bill, was read twice and referred to the committee for courts of justice.

Senate joint resolution as follows:

Resolved (the House of Delegates concurring), That the keeper of the rolls have two thousand copies of the election law (House bill No. 28) printed, of which one thousand shall be for the use of the two houses, and the remaining one thousand copies shall be distributed by the secretary of the commonwealth among the county and corporation court clerks of the several counties in the commonwealth—

Was agreed to.

No. 48. House bill to pay the claim of citizens of Virginia wounded and maimed during the late war, reported from the committee on finance, was read a first time.

Senate joint resolution proposing to donate to West Virginia certain journals of the Virginia legislature, reports, and other documents, and to sell certain remaining volumes to public libraries, was reported from the committee on the library.

Leave of absence was granted Messrs. VAUGHAN of *Goochland*, one day; PETERS, VAUGHAN of *Grayson*, ROSLER, and MEADE of *Scott*, two days each; and an indefinite leave for Messrs. GREEN of *Stafford* and MUSTARD of *Tazewell*.

The SPEAKER laid before the House a communication from the auditor of public accounts in response to a resolution of the House asking what amount of the appropriations to the asylums of the state for the fiscal year ending September 30, 1884, was paid to the retired officials, and also what amount paid to the present boards of said asylums.

The communication was referred to the committee on asylums and prisons.

Mr. CHARLES GEE, delegate elect from the counties of Prince George and Surry, was sworn in by the clerk.

Mr. SMITH offered the following resolution:

Resolved, That the committee on finance be authorized to sit during the recess of the General Assembly in the investigation of the affairs of the Planters and Mechanics bank at Petersburg, and to publish their report, to be made as soon as the same shall be ready, whether the General Assembly shall be in session or not; and the superintendent of public printing shall forward ten copies of such printed report to each member of the General Assembly.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

A message was received from the Senate by Mr. PETTIT, who informed the House that the Senate had passed House bill entitled an act to amend and re-enact sections 3, 7, 10, 12, and 14 of chapter 102 of the Code of 1873, in reference to diseased cattle, and the appointment of inspectors thereof, No. 33.

A message was received from the Senate by Mr. HURT, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved (the House of Delegates concurring), Then when the two houses of the General Assembly adjourn on Wednesday the 27th instant, they adjourn to meet on Wednesday the 22d day of October next; in which they respectfully request the concurrence of the House.

The resolution was agreed to—yeas 51; nays 23.

On motion of Mr. SMITH, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Burks, Chapman, Christian, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Hobson, Jones, Kelly, Leftwich, Loving, Luttrell, David Meade, Moffett, Moorefield, Moon, Noblin, Opie, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—51.

NAYS—Messrs. Banks, Bolen, Brockwell, Garnett, Gee, Gose, Duff Green, Griffin, Hazlewood, Hubbard, Kilgore, Leigh, McCandlish, Mauck, Charles C. Meade, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Rosler, Scott, and Stewart—23.

Mr. POLLARD moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. POLLARD inform the Senate that the House had agreed to the resolution.

A message was received from the Senate by Mr. HURT, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved, (the House of Delegates concurring), That during the recess of the General Assembly, commencing the 27th day of August, 1884, and ending the 22d day of October, 1884, no compensation shall be allowed the following officers, to-wit: The assistants of the clerk of the Senate and of the clerk of the House; the sergeant-at-arms of the Senate and the sergeant-at-arms of the House; the doorkeepers of both houses; the clerks of the several standing

committees of each house, and the pages appointed in the Senate and House of Delegates; in which they respectfully request the concurrence of the House.

The resolution was agreed to.

Mr. BARTON moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

A message was received from the Senate by Mr. MEREDITH, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved, (the House of Delegates concurring), That no warrants shall be issued to members during the period of recess, for pay; in which they respectfully request the concurrence of the House.

The resolution was agreed to—yeas 60; nays 11.

On motion of Mr. SMITH, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bishop, Bolen, Burks, Camper, Chapman, Christian, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Gose, Grattan, Hobson, Jones, Kelly, Leftwich, Leigh, Loving, Luttrell, McLin, Marshall, David Meade, Moffett, Moorefield, Moon, S. P. Mustard, Noblin, Opie, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Winn, and Whitehead—60.

**NAYS**—Messrs. Brockwell, Duff Green, Griffin, Hubard, McCandlish, Mauck, Charles C. Meade, Parker, Richardson, Scott, and White—11.

Mr. MARSHALL moved to reconsider the vote by which the resolution was agreed to; which motion was rejected—yeas 14; nays 54.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Garnett, Gee, Duff Green, Hubard, McCandlish, Mauck, Charles C. Meade, Parker, Rosler, Saunders, Scott, Stewart, and White—14.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Chapman, Christian, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Gordon, Grattan, Hobson, Jones, Kelly, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moorefield, Moon, S. P. Mustard, Noblin, Opie, Paxton, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Winn and Whitehead—54.

A message was received from the Senate by Mr. ATKINSON, who informed the House that the Senate had agreed to a concurrent resolution as follows:

1. Be it resolved (the House of Delegates concurring), That a committee of two senators and three members of the House be appointed, with instructions to proceed forthwith to investigate, ascertain, and report to the General Assembly—

First. What amount of money was received by the directory of the Eastern lunatic asylum between October 1, 1883, and April 15, 1884, and how the same was expended.

Second. What amount of money belonging to said asylum was turned over by the former management to the present management, showing each fund separately.

Third. What indebtedness the old management left to be discharged by the new board.

Fourth. What has been the expenditure of the funds of said asylum by the present management, and especially what disposition has been made of the fund appropriated at the last session of the General Assembly for building and repairs.

2. That said committee shall have power to send for persons and papers; in which they respectfully request the concurrence of the House.

The resolution was agreed to (two-thirds voting in the affirmative.)

Mr. SMITH moved to reconsider to vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. SMITH inform the Senate that the House had agreed to the resolution.

The SPEAKER appointed Messrs. STRIBLING, EVANS of *Richmond city*, and BANKS, the committee on the part of the House.

A report of the committee of privileges and elections was presented as follows :

The committee of privileges and elections, to whom was referred the papers in the election case from the county of King William, transmitted to the House of Delegates by the state board of canvassers, submit the following report :

That there is no other evidence before the committee relating to the special election held in the county of King William on the 18th of August, 1884, than the returns of the election commissioners for the county of King William, and the certificate thereto annexed of the clerk of the county court of said county, and the communication from the state board of canvassers, which reads as follows :

COMMONWEALTH OF VIRGINIA,  
OFFICE OF SECRETARY OF THE COMMONWEALTH,  
RICHMOND, August 23, 1884.

To the Hon. CHARLES E. STUART,

*Speaker of the House of Delegates of Virginia :*

At a meeting of the board of state canvassers, held in the office of the secretary of the commonwealth, on this day, election returns from the county of King William, of the special election held in said county on the 18th of August, 1884, for a member of the House of Delegates, under a writ issued by the governor of Virginia for that purpose, were opened and inspected.

On consideration whereof, it appearing that H. I. Lewis had received the greatest number of votes, the said board directed the secretary of the commonwealth to issue to the said Lewis a certificate of election as a member of the House of Delegates of Virginia, from said county of King William.

It also appeared upon the inspection of said returns that the board of commissioners for said county certified that A. T. Mooklar had received the greatest number of votes.

It was therefore determined by said board of state canvassers that a certified copy of said election returns should be transmitted to your honorable body, which is accordingly done.

H. W. FLOURNOY,  
*Secretary of the Commonwealth.*  
 MORTON MARYE,  
*Auditor of Public Accounts.*  
 F. S. BLAIR,  
*Attorney General.*  
 I. R. BARKSDALE,  
*Treasurer.*

[Copy.]

Abstract of votes cast in the county of King William, and state of Virginia, for a member of the House of Delegates, at a special election held on Monday, the 18th day of August, 1884. For House of Delegates, H. I. Lewis received eight hundred and forty-four votes (844.) For House of Delegates, A. T. Mooklar received seven hundred and forty-seven votes (747.)

CLERK'S OFFICE OF KING WILLIAM COUNTY COURT,  
 August 20, 1884.

We, the undersigned commissioners of the special election, held in the said county of King William, on Monday, the 18th day of August, certify that the above is a true and correct abstract from the returns of said election, and do, therefore, determine and declare that A. T. Mooklar received the highest number of votes cast at said election for member of the House of Delegates.

Given under our hands the day above written.

O. S. TERRY,  
 WM. EDWARDS,  
 R. W. FOX,  
*Commissioners.*

Attest:

O. M. WINSTON,  
*Clerk of King William County.*

CLERK'S OFFICE OF KING WILLIAM COUNTY COURT,  
 August the 20th, 1884.

I, O. M. Winston, clerk of the county court of King William county, hereby certify that the foregoing is a true copy of the abstract of votes given at the special election above named, as certified, signed and attested according to law, and deposited in my office.

In testimony whereof, I have hereto set my hand and affixed my seal of said court.

[SEAL.]

O. M. WINSTON,  
*Clerk of King William County Court.*

CLERK'S OFFICE KING WILLIAM COUNTY COURT,  
 August 20, 1884.

I, O. M. Winston, clerk of King William county court, do certify that O. S. Terry, being the only commissioner in attendance this day, he selected Wm. Edwards and R. W. Fox as associate commissioners, who were duly sworn as such commissioners before entering upon the discharge of their duties.

Test:

O. M. WINSTON,  
*Clerk, &c.*

OFFICE OF SECRETARY OF THE COMMONWEALTH,  
RICHMOND, August 23, 1884.

Certified a true copy of the return from the county of King William on file in this office.

Witness my hand and official seal.

[SEAL.]

H. W. FLOURNOY,  
*Secretary of the Commonwealth.*

The communication of the state board of canvassers accompanying said returns and certificate discloses the fact that the said state board have directed a certificate of election to be awarded H. I. Lewis as a member of the House of Delegates of Virginia from said county of King William, in consideration of the fact that said Lewis had received the greatest number of votes.

This certificate of election constitutes a good and sufficient title for Lewis to claim a seat as a member of the House of Delegates. The papers referred to the committee show a prima facie right to the seat. Neither candidate appears before the committee in person, in writing, or otherwise. Your committee, therefore, having nothing before them but the papers aforesaid, or to enable them to report adversely to the action of the state board of canvassers, offer the following resolution:

Resolved, That in the absence of a contest, and without prejudice to the rights and claims of either of the candidates voted for in said county, the said H. I. Lewis is prima facie entitled to a seat in the House of Delegates as a member thereof from the county of King William.

A. B. EVANS, *Chairman*,  
DANIEL TRIGG,  
J. N. OPIE,  
J. B. McLIN,  
THOMAS A. CHAPMAN.

On motion of Mr. GIBSON, the report was passed by and ordered to be printed.

The following was presented and referred under rule 37:

By Mr. WILKINS: Petition of citizens of Northampton county, asking amendments to the law in regard to the preservation of oysters. Referred to the committee on the Chesapeake and its tributaries.

By Mr. GIBSON: A bill to provide for the manner in which money appropriated to the various lunatic asylums shall be drawn out of the treasury. Referred to the committee on finance.

By Mr. MOON: A bill to amend and re-enact section 6 of chapter 80 of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia. Referred to the committee on schools and colleges.

By Mr. MOON: A bill to prevent persons other than passengers or employees of railroads from getting on or off trains or engines whilst in motion. Referred to the committee on roads and internal navigation.

By Mr. TABB: A bill to amend chapter 564 of Acts of Assembly of 1883-4, entitled an act authorizing the board of supervisors of the county of Norfolk to levy a tax of ten cents on every hundred

dollars valuation of real and personal property for road purposes. Referred to the committee on counties, cities and towns.

By Mr. BARTON: A bill to regulate the manner of disbursing the funds appropriated for the support of the lunatic asylums of the state. Referred to the committee on asylums and prisons.

The morning hour having expired, the House proceeded to the business on the calendar.

The report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two houses on House bill No. 2, recommended the adoption of the Senate substitute with the following amendment:

Strike out all after the word "money," in line thirty-three of fifth section, down to the end of said section, and insert in lieu thereof, the following:

"The date of exchange referred to in this act, shall in all cases be taken to be July 1, 1882; and this act shall be construed as if it had been so expressed in the act approved February 14, 1882; and no new bonds shall under this act, be given for any coupon or interest on registered bonds mentioned in this section, maturing after the 1st day of July 1882."

Respectfully reported,

W. C. WICKHAM,

*Chairman Senate Committee.*

H. R. POLLARD,

*Chairman House Committee—*

Was agreed to—yeas 68.

On motion of Mr. POLLARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Banks, Barton, Bolen, Brockwell, Burks, Camper, Chapman, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gee, Gibson, Gordon, Gose, Grattan, Hazlewood, Hobson, Hubbard, Jones, Kelly, Leftwich, Leigh, Loving, Luttrell, McCandlish, McLin, Marshall, Mauck, David Meade, Moffett, Moorefield, Moon, Nance, Noblin, Opie, Parker, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Richardson, Robinson, Rosler, Ryan, Saunders, Seay, Smith, Soule, Stewart, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—68.

Mr. BANKS moved to reconsider the vote by which the report of the committee of conference was agreed to; which motion was rejected.

Ordered, That Mr. POLLARD inform the Senate that the House had agreed to the committee of conference.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate had agreed to the report of the committee of conference.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate had passed House bill entitled an act to amend and re-enact sections 13, 72, 110, and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on

persons, property and incomes, and imposing taxes thereon, for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, No. 20, with an amendment; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was referred to the committee on finance.

A message was received from the Senate by Mr. POWELL, who informed the House that the Senate had passed Senate bills entitled an act to amend and re-enact sections 1 and 21 of chapter 2 of an act provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, No. 13; and an act to allow the county school board of Spotsylvania county to use a part of the school fund to erect school houses, No. 62; in which they respectfully request the concurrence of the House.

A message was received from the Senate by Mr. WARWICK, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved (the House of Delegates concurring), That a committee consisting of two from the Senate and three from the House of Delegates, be appointed to ascertain and report what is necessary to be done to further the success of the Normal and Collegiate institute, incorporated by the act approved 6th March, 1882, and said committee shall have authority to sit during the recess of the General Assembly; in which they respectfully request the concurrence of the House.

Mr. OPIE moved that No. 32, House joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000, be taken up out of its order on the calendar; which motion was rejected—yeas 50; nays 28—not two-thirds voting in the affirmative.

On motion of Mr. ROSLER, the vote was recorded as follows:

YEAS—Messrs. Banks, Bishop, Brockwell, Burks, Camper, Christian, Crockett, Dunn, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gordon, Gose, Grattan, Duff Green, Griffin, Harrison, Hazlewood, Hubard, Jones, Kilgore, Leigh, Loving, McCandlish, Marshall, Mauck, David Meade, Moffett, Moon, S. P. Mustard, W. G. Mustard, Nance, Opie, Parker, Paxton, Richardson, Robertson, Rosler, Ross, Saunders, Scott, Stewart, Tabb, Trigg, Wescott, Winn, White, and Whitehead—50.

NAYS—Messrs. R. J. Anderson, Barton, Bolen, Chapman, Curtis, Darst, Fitzpatrick, Garnett, Gibson, Hobson, Kelly, Leftwich, Luttrell, McLin, Moorefield, Noblin, Peters, Pollard, Porter, Powell, Pretlow, Seay, Smith, Soule, Stribling, John W. Vaughan, R. F. Vaughan, and Ward—28.

No. 34. House bill to amend and re-enact sections 1 and 3 of an act entitled an act to amend and re-enact an act approved January 11, 1877, entitled an act to provide for the appointment and removal of district school trustees, and to repeal the fourth clause of the seventh section of the seventy-eighth chapter of the Code of 1873, in force February 20, 1884, was, on motion of Mr. ANDERSON of *Rock-bridge*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

On motion of Mr. ECHOLS, the House proceeded to the consideration of House bills on their second reading.

No. 31. House bill for the relief of the taxpayers of Alleghany county, was read a second time.

The amendment proposed by the committee on finance as follows:

Add as an independent section, to come in after the first section, the following:

"And the time allowed by law for the treasurer of Alleghany county to make his final settlement with the auditor of public accounts and supervisors of said county for the taxes assessed upon real and personal property, is hereby extended to the 1st day of November, 1884"—

Was agreed to.

The bill was ordered to be engrossed, to be read a third time.

No. 32. House joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000 was read a second time.

Mr. GIBSON moved to amend the substitute proposed by the committee on finance by striking out "\$20,000" and inserting "\$16,500"; which was agreed to.

The substitute proposed by the committee on finance, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed to be read a third time.

On motion of Mr. BARTON, the calendar was postponed for five minutes.

Mr. BARTON offered the following concurrent resolution:

1. Be it resolved (the Senate concurring), That a committee, to be composed of two senators and three members of the House of Delegates, be appointed, who shall proceed to investigate, ascertain, and report as follows: What money has been appropriated to the various lunatic asylums of the state for the fiscal year ending September 30, 1884; what money remained to the credit of said several lunatic asylums at the end of the fiscal year 1883; how much thereof has been drawn from the public treasury, and what portion thereof was drawn prior to April 15, 1884, and what portion since that date; what amount and value of provisions and supplies were on hand at each lunatic asylum on the 15th day of April, 1884; how much money was turned over by the old boards and authorities to the new management that took control of the various asylums on

the 15th day of April, 1884; how much debt said asylums owed at that date, and what debts have been created since; what the average cost per capita has been during the last ten years for each patient; how many are pay patients, and what revenue per annum is derived therefrom; how many employees are in the service of each asylum, and what proportion they bear to the number of patients; what has been the expenses of the board of visitors of each asylum for each year for the past ten years, and of what items they consist; and they shall report in detail the exact items of the expenditure of all moneys appropriated or drawn out of the public treasury for the purposes of said asylums.

2. The said committee may sit in the vacation of the General Assembly, and shall have power to send for persons and papers—  
Which was agreed to.

Mr. BARTON moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

No. 35. House bill to amend and re-enact sections 2, 7, 9, 18, 20, 22, and 24 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885, was, on motion of Mr. BARTON, passed by.

No. 36. House bill to provide a new registration in the county of Fairfax, was read a second time and ordered to be engrossed to be read a third time.

The bill being presently engrossed,

Mr. LEIGH moved that the bill be read the third time this day; which was agreed to—two-thirds in the House so determining.

The bill was read a third time and passed.

Mr. LEIGH moved to reconsider the vote by which the bill was passed; which motion was rejected.

On motion of Mr. BARTON, the chair was vacated until 8 o'clock, P. M.

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#### EVENING SESSION.

The chair was resumed at 8 o'clock, P. M.

No. 37. House joint resolution authorizing the governor of Virginia to pay George A. Bagwell for services rendered in establishing boundary line between Virginia and Maryland, was read a second time.

Mr. BARTON moved to commit the bill to the committee on finance—no quorum voting.

Mr. GREEN of *Stafford*, moved that the House do now adjourn; which motion was rejected—yeas 2; nays 53.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. Brockwell, Griffin, and White—3.

NAYS—Messrs. Speaker, R. J. Anderson, Barton, Bishop, Bolen, Burks, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, A. Browne Evans, Fitzpatrick, Garnett, Grattan, Harrison, Hobson, Jones, Kelly, Leftwich, Leigh, Loving, McCandlish, Marshall, Mauck, David Meade, Moffett, Moorefield, W. G. Mustard, Noblin, Opie, Paxton, Porter, Powell, Pretlow, Richardson, Robertson, Ross, Ryan, Saunders, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, and Wilkins—53.

The motion of Mr. BARTON to commit the bill was agreed to.

Mr. WESCOTT moved to reconsider the vote by which the bill was committed; which motion was rejected.

No. 38. House bill to amend and re-enact sections 2 and 14 of an act approved March 3, 1884, entitled an act to provide for working the public roads in the county of Grayson, was read a second time, and ordered to be engrossed to be read a third time.

No. 39. House bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan, and Goochland, as relates to the county of Powhatan, and to apply the general law to the said county, was, on motion of Mr. OPIE, passed by.

Mr. KELLY moved to reconsider the vote by which No. 35, House bill to amend and re-enact sections 2, 7, 9, 18, 20, 22, and 24, of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885, was passed by; which motion was agreed to—yeas 39; nays 25.

On motion of Mr. KELLY, the vote was recorded as follows:

YEAS—Messrs. Bishop, Bolen, Brockwell, Burks, Camper, Crockett, Curtis, Dunn, Garnett, Gee, Gose, Duff Green, Griffin, Harrison, Hobson, Kelly, Leigh, McCandlish, Marshall, Mauck, Charles C. Meade, David Meade, Moffett, Moorefield, Moon, S. P. Mustard, W. G. Mustard, Noblin, Paxton, Powell, Robertson, Ross, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Wheeler, and White—39.

NAYS—Messrs. Speaker, R. J. Anderson, Barton, Chapman, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Leftwich, Luttrell, Opie, Peters, Porter, Pretlow, Ryan, Saunders, Smith, Soule, Stribling, and Tabb—25.

The question recurring on agreeing to the motion by Mr. BARTON, to pass by the bill,

Mr. GIBSON moved that the House do now adjourn; which motion was rejected—yeas 17; nays 45.

On motion of Mr. BARTON, the vote was recorded as follows:

**YEAS**—Messrs. Barton, Brockwell, Chapman, Thomas J. Evans, Fitzpatrick, Garnett, Grattan, Griffin, Jones, Leftwich, Luttrell, David Meade, Peters, Porter, Saunders, Smith, and Stribling—17.

**NAYS**—Messrs. R. J. Anderson, Banks, Bishop, Bolen, Burks, Camper, Crockett, Curtis, Dunn, Echols, A. Browne Evans, Gee, Gibson, Gose, Harrison, Kelly, Leigh, Loving, McCandlish, Marshall, Mauck, Charles C. Meade, Moffett, Moorefield, Moon, S. P. Mustard, W. G. Mustard, Noblin, Opie, Paxton, Powell, Pretlow, Richardson, Robertson, Rosler, Ross, Ryan, Stewart, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and White—45.

The motion by Mr. BARTON to pass by the bill was rejected.

The bill was read a second time.

Mr. SMITH moved that the bill be postponed until the 22d day of October next; which motion was rejected—yeas 32; nays 36.

On motion of Mr. ROSLER, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Camper, Chapman, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Hobson, Jones, Kelly, Leftwich, Luttrell, David Meade, Moorefield, Paxton, Peters, Porter, Pretlow, Ryan, Saunders, Smith, Soule, Stribling, Tabb, and Trigg—32.

**NAYS**—Messrs. Banks, Bishop, Bolen, Brockwell, Burks, Crockett, Curtis, Dunn, Garnett, Gee, Gibson, Gose, Duff Green, Griffin, Harrison, Leigh, McCandlish, Marshall, Mauck, Charles C. Meade, Moffett, Moon, S. P. Mustard, W. G. Mustard, Noblin, Opie, Powell, Richardson, Robertson, Rosler, Ross, Stewart, John W. Vaughan, Ward, Wheeler, and White—36.

The bill was ordered to be engrossed to be read a third time—yeas 54; nays 16.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, Banks, Barton, Bishop, Bolen, Brockwell, Burks, Camper, Chapman, Crockett, Curtis, Darst, Dunn, Echols, A. Browne Evans, Garnett, Gee, Gibson, Gose, Duff Green, Griffin, Harrison, Hobson, Kelly, Leigh, Loving, McCandlish, Marshall, Mauck, Charles C. Meade, Moffett, Moon, S. P. Mustard, W. G. Mustard, Noblin, Opie, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Rosler, Ross, Ryan, Stewart, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Wheeler, and White—54.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Dunlop, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Leftwich, Luttrell, David Meade, Moorefield, Paxton, Peters, Saunders, Smith, and Stribling—16.

Mr. GREEN of *Stafford*, moved to reconsider the vote by which the bill was ordered to be engrossed; which motion was rejected.

On motion of Mr. BARTON, the House adjourned until to-morrow at 12 o'clock, M.

WEDNESDAY, August 27, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, August 26, 1884.*

The Senate have passed Senate bills entitled an act to appropriate money to keep in repair the capitol grounds, No. 55; an act in relation to an increase of the compensation of the clerk of Greenville and other counties, No. 49; an act requiring the officers in charge of the public institutions which draw appropriations from the state to make quarterly fiscal reports to the board of public works, No. 69; an act providing the manner in which moneys may be drawn from the treasury by officers of public institutions, No. 70; an act to authorize the judge of the hustings court of the city of Richmond to have new copies of registration books — in certain cases, and to repeal chapter 510 of Acts of 1883-84, No. 67; an act to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884, No. 51; and an act repealing so much of an act for processioning the lands in the counties of Accomac, Northampton, Hanover, Caroline, Prince Edward, and Nansemond, approved February 25, 1884, as refers to the county of Caroline, No. 66; in which bills they respectfully request the concurrence of the House of Delegates.

Nos. 69 and 70. Senate bills, were read twice and referred to the committee on finance.

No. 55. Senate bill, was read twice and referred to the committee on public property.

No. 49. Senate bill, was read twice and referred to the committee for courts of justice.

Nos. 67, 51, and 66. Senate bills, were read twice and placed on the calendar, the rule having been suspended on motions severally made by Messrs. DUNLOP, SMITH, and EVANS of *Middlesex*, requiring their reference to committees.

No. 62. Senate bill entitled an act to allow the county school board of Spotsylvania county, to use part of the school fund to erect school houses, was read twice and referred to the committee on schools and colleges.

No. 13. Senate bill entitled an act to amend and re-enact sections 1 and 21 of chapter 2 of an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to trans-

act such business, was read twice, and referred to the committee on finance.

The Senate concurrent resolution as follows:

Resolved (the House of Delegates concurring), That a committee consisting of two from the Senate and three from the House of Delegates, be appointed to ascertain and report what is necessary to be done to further the success of the Normal and Collegiate institute, incorporated by the act approved March 6, 1882, and said committee shall have authority to sit during the recess of the General Assembly—

Was referred to the committee on schools and colleges.

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had agreed to the concurrent resolution appointing a joint committee to investigate the expenditures of the lunatic asylums of the state.

The SPEAKER appointed Messrs. STRIBLING, EVANS of *Richmond city*, and BANKS, the committee on the part of the House.

No. 20, House bill entitled an act to amend and re-enact sections 13, 48, 72, 110, and 111 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, was reported from the committee on finance, with a recommendation that the House agree to the amendment of the Senate.

No. 42. Senate bill entitled an act to amend and re-enact section 4 of chapter 182 of the Code, as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens, was reported from the committee for courts of justice.

The following Senate bills were reported from the committee on counties, cities, and towns:

No. 33. Senate bill entitled an act to authorize the common council of the city of Petersburg to convert coupon bonds into registered bonds and registered bonds into coupon bonds.

No. 21. Senate bill entitled an act to permit the qualified voters of the county of Accomac to vote upon the proposition of a change of location in the county seat.

No. 38. Senate bill entitled an act to amend chapter 28 of the Acts of Assembly, 1881-2, entitled an act authorizing the city of Norfolk to issue its bonds for the purpose of retiring and refunding certain bonds now outstanding.

Mr. TRICE, under a suspension of the rule, presented

No. 49. House joint resolution to relieve R. J. Cardwell from the payment of a fine; which was read a first time.

A report from the committee on finance in relation to the investigation of the Planters and Mechanics bank at Petersburg, was presented as follows:

To Hon. CHARLES E. STUART,  
*Speaker of House of Delegates:*

The committee on finance, to whom was referred the following preamble and resolutions:

Whereas it appears by the books of the treasurer of Virginia that on the 20th of September, 1882, the sum of \$100,000 of the moneys of the commonwealth was deposited in the Planters and Mechanics bank of Petersburg, and that on the 2d day of December, 1882, the further sum of \$50,000 of the moneys of the commonwealth was also deposited in said bank; and whereas it is represented that, by reason of the insolvency of said bank and its sureties, the greater part of said sum of \$150,000 has been lost to the state:

Resolved, That the committee on finance be instructed to inquire and ascertain and report—

1st. The amount or amounts of the moneys of the commonwealth heretofore deposited in said Planters and Mechanics bank of Petersburg, and the dates of such deposits respectively.

2d. The names of the persons by whom and at whose solicitations and requests said deposits were procured.

3d. The names of the persons to whom and among whom the moneys deposited as aforesaid were paid and distributed through the agency of said bank and its officers, by overchecking, discounting, loan, or otherwise.

4th. Kind and value of the securities, and rights of action or suit, if any, available to the commonwealth as means of recovering said sum of \$150,000, or any part thereof.

5th. The names of all persons who have received and converted to their own use any part of said deposit, and who are liable to criminal prosecution in connection therewith.

6th. Whether any, and, if any, what legislation is necessary for the protection of the state against further loss by reason of similar deposits in other banks.

And be it further resolved, That the committee have leave to sit during the session of the House, and in Petersburg or in Richmond, as they may deem advisable, from time to time, and be authorized to send for persons and papers; and to employ an expert accountant, and a stenographer, if necessary in the judgment of the committee—

Beg leave to report, that on the 20th of August they proceeded to take testimony relative to the several inquiries directed by the House; that after an examination of several witnesses, the committee deemed an examination of the books of the bank important, and dispatched a sub-committee to the city of Petersburg, who made an inspection of the books and papers of the bank. While the investigation has not been as full and thorough as they desired, on account of the limited time, in which it was necessary for the committee to execute the order of the House, yet important facts relative to the transactions between the officers of the state and the bank officials have been elicited.

I. The committee have ascertained that the following sums were placed upon deposit in the above named bank, pursuant to the order of the governor at the times stated: \$100,000 on September 20th, 1882; \$50,000 on December 2d, 1882; \$25,000 on April 8th, 1884.

The amount due the state by this bank on account of said deposits, was increased by the accumulation of interest for time to time, and diminished by drafts of the treasurer, \$20,000 April 1st, 1884, and \$25,000 April 5th, 1884, so that there was due on the 1st May, 1884, \$135,373 34. (See statement filed with treasurer's testimony.)

By the original contract between the governor and this bank, the bank was to pay four per centum interest per annum. No part of the above deposits made in September and December, 1882, was drawn out until April, 1884, and it is to be observed that three days after the draft of \$25,000 was drawn by the treasurer on the 5th April, 1884, that amount was replaced in the Planters and Mechanics bank at Petersburg, by order of the governor, by transfer from the First National bank of Lynchburg. The governor in his testimony, explained that he endeavored to equalize the drafts upon the deposits in the banks in each community, in proportion to the amounts on deposit there. Your committee find that this does not sufficiently explain the transfer of this \$25,000 from the First National bank at Lynchburg, to the Planters and Mechanics bank of Petersburg, inasmuch as \$50,000 had already been taken out of the First National bank at Lynchburg, in March, 1884, as appears from the evidence of Treasurer Barksdale, and statement filed therewith.

II. We are unable so far to ascertain the names of the persons by whom, and at whose solicitations and requests, the money of the state was deposited in this bank.

The deposit of \$50,000 was made, as the governor states in his evidence, in pursuance of a communication, which he addressed to the Planters and Mechanics bank and other banks in the state, he thinks in November, 1882. The committee has no information as to how the \$100,000 happened to be deposited there.

III. The committee finds that the money of the state deposited in this bank was so mingled with the other funds of the bank, and so used, as to make it impossible for the committee, in the time, and from the sources of evidence at its command, to ascertain the precise use which was made of the identical money deposited by the state. The greater portion of the deposits seem to have been transferred to the Chase National bank of New York, or to have been left with the First National bank of Richmond, and to have been ultimately paid out through those banks, with the exception of something over \$1,000 00, remaining in the Chase National bank when the Planters and Mechanics bank at Petersburg, closed its doors.

While the committee has not traced the identical money deposited by the state into the hands of individuals, they find that the books of the bank show, what must strike the mind as a startling fact, that with a capital stock of only \$119,550 00, the enormous sum of 111,810 43 had been allowed to be drawn from the bank by *overdrafts*, at the time the bank closed its doors, in addition to very large sums previously overdrawn by the favorites of the bank, which had been covered by notes upon which no security had been required, and most of which notes are utterly worthless. As will be seen from the testimony of J. Gray McCandlish, the expert accountant employed by the creditors and trustees of the bank to investigate its affairs, at pages 36 to 44, the following are the largest of said overdrafts, and the names of the parties upon whose checks they were drawn: Stith Bolling, trading under the name of Stith Bolling and Company, \$19,127 34; Stith Bolling, \$1,179 33; William E. Cameron, \$3,987 33; S. W. Ferguson, \$2,702 22; W. E. Gaines, senator from Nottoway county, \$6,098 61; Inge & Mahone, Mr. Mahone of this firm being a son of General William Mahone, \$14,940 02; General William Mahone, \$3,972 14; G. E. Perkinson, \$1,864 44; Thomas Whyte, cashier of the bank, \$15,610 15; and R. A. Young, \$8,077 07; a complete list of the overdrafts is filed with the evidence as exhibit A.

In addition to the amounts due the bank on account of overdrafts, there seems to have been some \$309,000 00 due the bank upon notes and bills receivable—of these assets, a very large proportion is represented by the notes of persons who are hopelessly insolvent and supported by no security, or by insufficient security—prominent among these are the following:

Stith Bolling, trading as Stith Bolling and Company, a call loan for \$10,000 00; William E. Cameron, sundry notes, \$31,400 00; Inge & Mahone, sundry notes, and so forth, \$8,850 00; George E. Perkinson, \$5,225 00; Thomas Whyte, \$3,760 00; Attorney-general Frank S. Blair, \$1,350 00; D. C. Miller, note endorsed by Frank S. Blair, \$550 00; J. C. Drake, \$10,710 00; Davis, Drake &

Company, \$3,000 00; Stratton & Company, of which firm Edward Whyte is the only member, \$58,000 00; R. W. Thompson, \$4,850 00; and C. W. Spicer, about \$30,000 00.

Governor Cameron and General William Mahone have paid the amounts of their overdrafts to the trustees since the affairs of the bank were put in their hands, and William E. Gaines has paid \$4,000 00 upon his overdraft of \$6,098 61. Nothing has been paid upon the amount due by Governor Cameron, upon his notes aggregating over \$30,000 00, which have been renewed from time to time, but the trustees of the bank hold as collateral for said notes, \$50,000 00 of Southern Telegraph company bonds, worth perhaps as much as \$17,000 00, and one hundred and fifty shares of stock of Washington Improvement company, of uncertain value. It is proper to say, that these collaterals were considered, at the time the respective loans were made to Governor Cameron, good for the amount of his notes, but have since greatly depreciated. The note for \$25,000 (last renewal) of Governor Cameron, will fall due in October next; his other note for \$5,900 became due during this investigation, but the committee has received no evidence of any payment having been made upon it. The \$25,000 00 note of Governor Cameron was originally the note of W. E. Cameron and A. W. Jones, but is recognized by Governor Cameron as his debt.

It is a significant fact, and one which has not been explained to the satisfaction of the committee, that the above named persons who were permitted, in the extraordinary manner stated, to overdraw their accounts, and to receive enormous loans from the bank without any security, were Readjuster Coalitionists, except Edward Whyte, and he is a brother of the Readjuster cashier. (See Mr. McCandlish's evidence.)

IV. The committee find that the only security which the commonwealth has now for the above deposits, is a bond of indemnity executed by the bank and several sureties, on the 28th December, 1882. It will be seen that the state had, prior to that time, \$150,000 deposited in the bank, of which \$100,000 had been deposited as far back as the 20th day of September, 1882, and \$50,000 December 2d, 1882. This bond is so drawn, as to cover moneys already at its date deposited in the bank, though executed after the deposits were made. This by no means satisfies the express mandate of the law, which requires that the governor shall, before any deposit is made, require a bond to be executed with sufficient security in a penalty sufficient to cover the amount of public money to be deposited. (V. C. chapter 58, section 25).

The governor is under the impression that one or two bonds were executed by the bank, before the deposits were made in the bank, one of which, he thinks, was in the penalty of \$75,000, and that any such bond was surrendered to the bank at the time the bond of the 28th of December, 1882, was accepted and approved by him. From the evidence before the committee, we are not satisfied that the governor's impression, as to the history of this transaction is correct; but the committee are at a loss to decide which is more culpable, to have failed to require a bond of indemnity before the deposit of any money of the state, or to have surrendered or cancelled a bond executed for money which remained at the time of the surrender, in the bank, and which now remains due the commonwealth, and which will probably prove a loss, to the extent of fifty per centum or more of the same.

The committee is clearly of opinion that if such bond existed, and was surrendered by the governor, his action would be *ultra vires*; and that the state still has the right of action upon such bond or bonds. The bond now in possession of the treasurer will prove almost wholly unavailable to the commonwealth, as a security for the large amount of public funds upon which the bank has defaulted. So far as the committee have ascertained from the evidence of witnesses most conversant with the facts, it is not likely that more than \$25,000 will ever be realized upon this bond. A dividend of forty or fifty per cent. may be paid to depositors out of the assets of the bank. The committee have been unable to ascertain with any certainty, what the facts were as to the execution or surrender of any bond other than that of the 28th of December, 1882, and they deem this a matter of sufficient importance to justify a further inquiry upon that subject.

V. Responding to the fifth inquiry, the committee have not ascertained that any person is liable to criminal prosecution for the fraudulent conversion of the state's money deposited in the bank; and the committee desire further time for the consideration of the legislation necessary to meet emergencies of this character, as directed by the sixth clause of the resolution adopted by the House.

In conclusion, the committee deem it proper to state that their investigation of the affairs of this bank demonstrates that it was conducted with a reckless disregard of the interests and rights of the state, and of the other depositors of the bank; that its funds seem to have been placed at the disposal of a coterie of political favorites, who were allowed to consume the money of its depositors without stint, and without security or with inadequate security; and that in the conduct of its affairs, its managers present an example of shameless profligacy, which deserves and should receive the unqualified condemnation of the representatives of the people.

The committee feel that their duty would not be discharged, did they fail to express their earnest disapprobation of the dealings of the chief executive of the commonwealth with this bank—first, in taking a bond insufficient in amount for the protection of the state, if his impressions are correct, or if he is mistaken in his impressions, in taking no bond for months after the money was deposited; and in accepting large favors from the bank, borrowing large sums upon security of doubtful or speculative value; and, finally, when the bank was almost coerced to close its doors by reason of the recklessness and dishonesty which had characterized its management, in transferring \$25,000 from a depository which was undoubtedly a solvent one, upon the solicitation of a party associate, and an officer of the bank, in order to relieve its embarrassment.

H. R. POLLARD, *Chairman*,  
J. C. GIBSON,  
J. S. KELLY,  
T. S. CROCKETT,  
R. R. NOBLIN,  
J. B. LEFTWICH,  
GEO. G. GRATTAN,  
THOS. A. CHAPMAN,  
THOS. J. EVANS,  
DAV'D MEADE,  
WILLIAM A. ANDERSON.

On motion of Mr. GIBSON, the report was passed by and ordered to be printed.

A report was presented as follows:

The joint committee appointed to make certain inquiries in regard to the management of the Eastern lunatic asylum since the 15th of April, 1884, begs leave to report that the very limited time given us for the discharge of this duty, does not enable us to give as full an examination as we would like, but from such an examination of the books and papers of the asylum, as we have had time to make, we feel justified in reporting that the management of the affairs of the asylum since the 15th of April, 1884, has been proper, honest, and according to law.

Respectfully,

THOMAS J. EVANS,  
TAYLOR BERRY,  
G. P. BARHAM.

The following were presented and referred under rule 37:

By Mr. JONES: A bill to authorize the council of the town of Covington to issue bonds and negotiate the same, and to condemn lands for the purpose of constructing water works for said town. Referred to the committee on counties, cities, and towns.

By Mr. MARSHALL: A petition of A. T. Mooklar, of King William county, contesting the seat of H. I. LEWIS, to a seat in the General Assembly of Virginia, as a member from King William county. Referred to the committee of privileges and elections.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 20. House bill entitled an act to amend and re-enact sections 13, 48, 72, 110 and 111, of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884.

The amendments proposed by the Senate as follows:

"Strike out all of the 48th section.

"Amend title by striking out 48"—

Were agreed to.

Motions severally made by Mr. POLLARD to reconsider the votes by which the amendments were agreed to, were rejected.

No. 38. Senate bill entitled an act to amend chapter 28 of the Acts of Assembly, 1881-2, entitled an act authorizing the city of Norfolk to issue its bonds for the purpose of retiring and refunding certain bonds now outstanding, was, on motion of Mr. BANKS, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. BANKS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 45. Senate bill entitled an act for the relief of the sureties of Stephen H. Turner, county treasurer of Amherst county, was, on motion of Mr. LOVING, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 68; nays 1.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Brockwell, Burks, Camper, Chapman, Christian, Crockett, Curtis, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Fitzpatrick, Garnett, Gee, Gibson, Gordon, Gose, Duff Green, Griffin, Griggs, Harrison, Hazlewood, Hobson, Kelly, Leftwich, Luttrell, McCandlish, Marshall, Mauck, David Meade, Moorefield, Moon, S. P. Mustard, W. G. Mustard, Nance, Noblin, Opie, Paxton, Peters, Pollard, Porter, Pretlow, Richardson, Robertson, Ross, Ryan, Saunders, Scott, Smith, Soule, Stewart, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Wheeler and Whitehead—68.

NAYS—Mr. Hubbard—1.

Mr. LOVING moved to reconsider the vote by which the bill was passed; which motion was rejected.

A message was received from the Senate by Mr. CHRISTIAN, who informed the House that the Senate had passed with amendments, House bill entitled an act to amend an re-enact sections three, six, eleven, fifteen, twenty-two, thirty-four, and thirty-eight, of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them from the waters of the commonwealth, No. 30, in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was placed on the calendar, the rule having been suspended on motion of Mr. EVANS of *Middlesex*, requiring its reference to a committee.

On motion of Mr. EVANS of *Middlesex*, the bill was taken up out of its order on the calendar.

The amendments of the Senate as follows:

Add at the end of third section the following: "Provided however, that the provisions of this section, so far as they amend section 3 of an act approved March 4, 1884, shall not apply to the county of Mathews, but the said section as contained in the act of March 4, 1884, shall remain in full force and effect, so far as it applies to said county."

In line 61, 6th section, strike out the words "Accomac and Northampton"—

Were agreed to.

Motions severally made by Mr. EVANS of *Middlesex*, to reconsider the votes by which the amendments were agreed to, were rejected.

A message was received from the Senate by Mr. MEREDITH, who informed the House that the Senate had passed House bill entitled an act to provide a new registration in the county of Fairfax, No. 36.

No. 32. House engrossed joint resolution directing the auditor of public accounts to pay to the Western lunatic asylum the sum of \$30,000, was, on motion of Mr. OPIE, taken up out of its order on the calendar.

The joint resolution was read a third time and agreed to—yeas 69; nays 3.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Bishop, Bolen, Brockwell, Burks, Camper, Christian, Dodson, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gee, Gibson, Gordon, Gose, Grattan, Duff Green, Griffin, Hazlewood, Hubbard, Jones, Kelly, Leftwich, Leigh, Loving, Luttrell, McCandlish, McLin, Marshall, Mauck, Charles C. Meade, David Meade, Moorefield, Munford, S. P. Mustard, Nance, Noblin, Opie, Parker, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Ross, Saunders, Scott, Smith, Soule, Stewart, Tabb, R. F. Vaughan, Ward, Wescott, Wilkins, Wheeler, and Whitehead—69.

NAYS—Messrs. Barton, Chapman, and Curtis—3.

Mr. OPIE moved to amend the title so as to read as follows:

"To authorize the auditor of public accounts to pay to the Western lunatic asylum, the additional sum of \$16,500 to meet the expenses for the fiscal year ending September 30, 1884"—

Which was agreed to.

Mr. OPIE moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. OPIE carry the bill to the Senate and request their concurrence.

A message was received from the Senate by Mr. KOINER, who informed the House that the Senate had passed House bill entitled an act to authorize the auditor of public accounts to pay to the Western lunatic asylum, the additional sum of \$16,500 to meet the expenses for the fiscal year ending September 30, 1884, No. 32.

No. 51. Senate bill entitled an act to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884, was, on motion of Mr. STUART, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 68; nays 1.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Brockwell, Burks, Camper, Chapman, Christian, Crockett, Darst, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Gee, Gibson, Gordon, Grattan, Duff Green, Griffin, Harrison, Hazlewood, Hobson, Hubbard, Jones, Kelly, Leftwich, Leigh, Loving, Luttrell, McCandlish, McLin, Marshall, Mauck, Charles C. Meade, Moorefield, Moon, Munford, W. G. Mustard, Nance, Noblin, Parker, Paxton, Peters, Pollard, Powell, Pretlow, Richardson, Robertson, Ross, Ryan, Saunders, Soule, Stewart, Tabb, Trigg, R. F. Vaughan, Ward, Wilkins, and Whitehead—68.

**NAYS**—Mr. Scott—1.

Mr. STUART moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 18. House engrossed bill to appropriate money to complete and equip the Central lunatic asylum of Virginia, was, on motion of Mr. DUNN, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 62; nays 14.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Bishop, Bolen, Brockwell, Crockett, Darst, Dodson, Dunn, Echols, Ellis, A. Brown Evans, Fitzpatrick, Garnett, Gee, Gordon, Gose, Duff Green, Griffin, Griggs, Harris, Harrison, Hazlewood, Hubbard, Jones, Kelly, Loving, McCandlish, McLin, Mauck, Charles C. Meade, David Meade, Moffett, Moorefield, Moon, Munford, S. P. Mustard, W. G. Mustard, Nance, Noblin, Opie, Parker, Paxton, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Ross, Scott, Stewart, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wheeler, and Whitehead—62.

**NAYS**—Messrs. Barton, Chapman, Christian, Curtis, Thomas J. Evans, Gibson, Grattan, Leftwich, Leigh, Luttrell, Peters, Ryan, Smith, and Soule—14.

Mr. DUNN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. DUNN carry the bill to the Senate and request their concurrence.

No. 33. Senate bill entitled an act to authorize the common council of the city of Petersburg to convert coupon bonds into registered bonds and registered bonds into coupon bonds, was, on motion of Mr. McCANDLISH, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. McCANDLISH moved to reconsider the vote by which the bill was passed; which motion was rejected.

Senate joint resolution proposing to donate to West Virginia certain journals of the Virginia legislature, reports, and other documents, and to sell certain remaining volumes to public libraries, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The joint resolution was read a third time and agreed to—yeas 66.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Camper, Chapman, Christian, Dunn, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gee, Gibson, Gordon, Gose, Grattan, Duff Green, Griffin, Harris, Hobson, Hubbard, Leftwich, Leigh, Loving, Luttrell, McCandlish, McLin, Marshall, Mauck, Charles C. Meade, David Meade, Moorefield, Moon, Munford, S. P. Mustard, Nance, Noblin, Parker, Peters, Pollard, Porter, Powell, Pretlow, Robinson, Rosler, Ross, Ryan, Saunders, Scott, Soule, Stewart, Tabb, Trigg, R. F. Vaughan, Ward, Wilkins, Winn, Wheeler, and Whitehead—66.

Mr. BARTON moved to reconsider the vote by which the joint resolution was agreed to; which motion was rejected.

No. 46. House joint resolution to fill a vacancy in the board of school commissioners for the county of Loudoun, was, on motion of Mr. RYAN, taken up out of its order on the calendar.

The substitute proposed by the committee on schools and colleges, was agreed to.

The joint resolution as amended, was ordered to be engrossed to be read a third time.

No. 34. House engrossed bill to amend and re-enact sections 1 and 3 of an act entitled an act to amend and re-enact an act approved January 11, 1877, entitled an act to provide for the appointment and removal of district school trustees, and to repeal the fourth clause of the seventh section of the seventy-eighth chapter of the Code of 1873, in force February 20, 1884, was, on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. ANDERSON of *Rockbridge*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. SMITH carry the bill to the Senate and request their concurrence.

A message was received from the Senate by Mr. HEATON, who informed the House that the Senate had passed the bill.

No. 67. Senate bill entitled an act to authorize the judge of the hustings court of the city of Richmond to have new copies of registration books — in certain cases, and to repeal chapter 510 of Acts of

1883-4, was, on motion of Mr. DUNLOP, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. DUNLOP moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 35. House bill to amend and re-enact sections 2, 7, 9, 18, 20, 22 and 24, of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885, was, on motion of Mr. KELLY, taken up out of its order on the calendar.

On motion of Mr. KELLY, the bill was recommitted to the committee on finance.

No. 47. Senate bill entitled an act to allow Henry R. Burger, late treasurer of Botetourt county, further time to return lists of insolvents and delinquents, was, on motion of Mr. CAMPER, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. CAMPER moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 66. Senate bill entitled an act repealing so much of an act for processioning the lands in the counties of Accomac, Northampton, Hanover, Caroline, Prince Edward, and Nansemond, approved February 25, 1884, as refers to the county of Caroline, was, on motion of Mr. EVANS of *Middlesex*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. EVANS of *Middlesex* moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 56. Senate bill entitled an act to regulate the times for holding the courts in the fourth judicial circuit, was, on motion of Mr. SAUNDERS taken up out of its order on the calendar.

On motion of Mr. SAUNDERS, the bill was recommitted to the committee for courts of justice.

On motion of Mr. MARSHALL, the chair was vacated until 8 o'clock P. M.

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### EVENING SESSION.

The chair was resumed at 8 o'clock P. M.

A message was received from the Senate by Mr. LOVENSTEIN, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Whereas the board of school commissioners elected for Nottoway county, have declined to qualify—

Resolved (the House of Delegates concurring), That R. W. Snyder, Thomas H. Vaughan, and John M. Morton, be and they are hereby appointed and elected the board of school commissioners for the county of Nottoway—

In which they respectfully request the concurrence of the House.

The resolution was agreed to.

Mr. MARSHALL moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. MARSHALL inform the Senate that the House had agreed to the resolution.

The committee on enrolled bills report that the following acts and joint resolution have been signed by the governor:

An act to authorize the voters of Smyth county to ratify the action of the board of supervisors of said county in donating lands for Southwestern lunatic asylum.

An act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, and which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-1, and which is section 24 of chapter 8, Code of 1873, and to make valid all registrations made and elections held since the act of February 14, 1884, became in force.

An act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts of 1881-2, approved February 14, 1882.

An act to amend an act to provide for authorizing religious congregations and other benevolent, literary, and charitable institutions which are not incorporated, to sell, exchange, or encumber their property, approved January 31, 1884.

An act to amend and re-enact sections 1, 2, and 7 of an act approved March 3, 1884, entitled an act to amend and re-enact an act to incorporate the town of Bridgewater, approved February 7, 1835, and all acts amendatory thereof.

An act to amend and re-enact sections 3 and 17 of chapter 178 of the Code of 1873, as amended by acts approved January 25, 1877, and February 19, 1884, in relation to petitions for appeals, writs of error, and supersedeas.

An act to amend and re-enact sections 3 and 4 of an act entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, approved March 15, 1884.

An act to amend and re-enact sections 4, 8, 9, and 10 of an act approved March 4, 1884, to provide for the working of roads and repairing of bridges in the county of Scott.

An act to amend and re-enact sections 3, 7, 10, 12, and 14, of chapter, 102, of the Code of 1873, in reference to diseased cattle, and the appointment of inspectors thereof.

An act to amend and re-enact sections 4, 8, and 9 of chapter 156, of the Acts of the General Assembly of 1883-4, in regard to the working of roads in Russell county, Virginia.

An act to provide a new registration in the county of Fairfax.

An act to amend and re-enact sections 3, 6, 11, 15, 22, 34, and 38 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them from the waters of the commonwealth.

An act to repeal an act entitled an act to provide for the manner of choosing registrars and judges and clerks of elections for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7, of the Code of 1873, in force February 14, 1884.

An act to authorize the auditor of public accounts to pay to the Western lunatic asylum the additional sum of \$16,500, to meet the expenses for the fiscal year ending September 30, 1884.

Joint resolution proposing to donate to West Virginia certain journals of the Virginia legislature, reports, and other documents, and to sell certain remaining volumes to public libraries.

An act to amend and re-enact section 6 of chapter 71 of an act entitled an act to amend and re-enact section 6 of chapter 12 of the Code of 1873, with regard to official bonds, approved February 2, 1875.

An act to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884.

An act repealing so much of an act for processioning the lands in the counties of Accomac, Northampton, Hanover, Caroline, Prince Edward, and Nansemond, approved February 25, 1884, as refers to the county of Caroline.

An act for the relief of the sureties of Stephen H. Turner, county treasurer of Amherst county.

An act to authorize the judge of the hustings court of the city of Richmond to have new copies of registration books — in certain cases, and to repeal chapter 510 of Acts of 1883-4.

An act to allow Henry R. Burger, late treasurer of Botetourt county, further time to return lists of insolvents and delinquents.

An act to authorize the common council of the city of Petersburg to convert coupon bonds into registered bond and registered bonds into coupon bonds.

An act to amend chapter 28 of the Acts of Assembly 1881-2, entitled an act authorizing the city of Norfolk to issue its bonds for the purpose of retiring and refunding certain bonds now outstanding.

Mr. ELLIS moved that the House do now adjourn; which was agreed to.

The SPEAKER declared the House adjourned until Wednesday, 22d October next, at 12 o'clock, M.

### WEDNESDAY, OCTOBER 22, 1884.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

The SPEAKER laid before the House the following communications:

RICHMOND, VA., OCTOBER 22, 1884.

Hon. CHARLES E. STUART,

*Speaker of the House of Delegates of Virginia:*

DEAR SIR:

The regular annual meeting of the Virginia division of the association of the army of Northern Virginia, will be held in this city to-morrow evening at 8 o'clock. All of the former meetings have been held in this Hall, and it will be almost impossible to get any other place now for the meeting this year. I was instructed by the executive committee to obtain the governor's consent to the use of the Hall as usual, and on application received from him the enclosed appropriate reply.

On behalf of the committee, and for the association, I respectfully ask of your honorable body the use of your Hall for to-morrow (Thursday) evening.

General Bradley T. Johnson will deliver the annual address. Subject: "The Maryland Campaign." And on behalf of the association, I take pleasure in extending to the members of the General Assembly, who sympathize with the aims and objects of the association, a cordial invitation to be present on that, to us, very interesting occasion.

I have the honor to remain,

Your obedient servant,

GEO. L. CHRISTIAN.

COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, October 21, 1884.

DEAR SIR:

Your note of yesterday has just been read. It would give me pleasure to grant the request contained therein, but the General Assembly

meets to-morrow (22d.) When that body is in session the House of Delegates has control of the Hall. I have no doubt the application, made through the Speaker, will be promptly granted.

Yours respectfully, &c.,

WILLIAM E. CAMERON.

To HON. GEO. L. CHRISTIAN, *President, &c.*

The use of the Hall was granted to the Association of the Army of Northern Virginia for to-morrow evening.

Mr. STRIBLING, from the joint special committee to investigate the lunatic asylums, presented a report; which, on motion of Mr. GIBSON, was passed by and ordered to be printed. Doc. No. 4.

No. 7. House bill to relieve R. T. Caldwell from the payment of a fine, was, on motion of Mr. TRIGG, taken up from the table.

The bill was placed on the calendar.

Mr. GREEN of *Stafford*, under a suspension of the rule, presented

No. 50. House bill for making or repairing division fences between coterminous land owners in the county of King George, which was read a first time.

Mr. MUNFORD, under a suspension of the rule, presented the following resolution:

Resolved, That the board of commissioners of the sinking fund be requested to furnish to the Legislature copies of all correspondence held by them with the governor and attorney-general in regard to the employment of counsel to assist the attorney-general in the defence of the various mandamus cases now before the courts of the United States.

The resolution was agreed to.

The following report was presented:

The committee on enrolled bills report that the following bills became laws after the adjournment last August:

An act to amend and re-enact sections 13, 72, 110 and 111 of chapter 1 of an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, was approved on September 1, 1884.

An act to amend and re-enact sections 1 and 3 of an act entitled an act to amend and re-enact an act approved January 11, 1877, entitled an act to provide for the appointment and removal of district school trustees, and to repeal the 4th clause of the 7th section of the 78th chapter of the Code of 1873, in force February 20, 1884, became in force September 3, 1884.

The following were presented and referred under rule 37:

By Mr. CARDWELL: A bill to amend and re-enact section 1st of an act entitled an act to extend the time for repairing and rebuilding

mills and machinery burned during the war, approved April 30, 1874, as amended March 7, 1878. Referred to the committee on counties, cities and towns.

By Mr. STUART: A bill to authorize the judge of the circuit court of the city of Alexandria to hold special terms of the court in his city. Referred to the committee for courts of justice.

By Mr. OPIE: A bill to prevent persons from having or using upon the public highways of the commonwealth distempered or diseased horses. Referred to the committee on counties, cities and towns.

By Mr. PORTER: A bill to authorize the Seaboard and Roanoke railroad company to invest in and operate railroad and transportation lines in this and in other states. Referred to the committee on roads and internal navigation.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 46. Senate bill to authorize the board of directors of the Eastern lunatic asylum to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, came up.

On motion of Mr. GRAVES, the bill was passed by.

No. 14. Senate bill to provide for the interchange of coupon bonds and registered bonds, issued under the act approved February 14, 1881, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, came up.

On motion of Mr. GRAVES, the bill was passed by.

No. 21. Senate bill to permit the qualified voters of the county of Accomac to vote upon the proposition of a change of location in the county seat, came up.

On motion of Mr. WESCOTT, the bill was passed by.

No. 42. Senate bill to amend and re-enact section four of chapter 182 of the Code, as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens, come up.

On motion of Mr. GIBSON, the bill was recommitted to the committee for courts of justice.

No. 31. House engrossed bill for the relief of the taxpayers of Alleghany county, came up.

On motion of Mr. SAUNDERS, the bill was passed by.

On motion of Mr. GIBSON, the House adjourned until to-morrow, at 12 M.

THURSDAY, OCTOBER 23, 1884.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

No. 15. Senate bill entitled an act to authorize the erection of a section toll-gate from Hobbs' ferry, at Peterstown, in Giles county, was reported from the committee on roads and internal navigation.

No. 4. Senate bill entitled an act to prescribe the times and places for holding the courts of the 6th judicial circuit, was reported from the committee for courts of justice, with a substitute.

No. 51. House bill to authorize the Seaboard and Roanoke railroad company to invest in and operate railroad and transportation lines in this and in other states, reported from the committee on roads and internal navigation, was read a first time.

The following bills, reported from the committee for courts of justice, was read a first time:

No. 52. House bill to authorize the judge of the circuit court of the city of Alexandria to hold special terms of the court in his city.

No. 53. House bill to authorize the receiver in the case of the Holmes Presbyterian church, Northampton county versus the New York, Philadelphia and Norfolk railroad company, to pay money to the trustees of said church.

Mr. BANKS, under a suspension of the rule, presented

No. 54. House joint resolution authorizing the governor to loan certain portraits to the New Orleans exposition, which was read a first time.

Mr. MUNKFORD, under a suspension of the rule, presented

No. 55. House bill to provide for the display of Virginia's resources in World's industrial and cotton centennial exposition at New Orleans, which was read a first time.

Mr. SMITH, under a suspension of the rule, presented

No. 56. House bill to remove the political disabilities of George W. Gunnell, Richard B. Tyler and others, which was read a first time.

The SPEAKER laid before the House a communication from the commissioners of the sinking fund, in response to a resolution of the House in regard to correspondence between them and the governor and attorney-general, in relation to the employment of counsel to assist in the defence of various mandamus cases before the United States courts; which, on motion of Mr. GREEN of *Stafford*, was passed by and ordered to be printed.

On motion of Mr. SMITH,

Resolved, That when this House adjourn to-day, it adjourn to meet to-morrow at 11 o'clock, A. M.

The following were presented and referred under rule 37:

By Mr. BISHOP: A bill to incorporate the Exchange bank of

Floyd county. Referred to the committee on banks, currency and commerce.

By Mr. OPIE: A bill to increase the usefulness of the department of agriculture, mining and manufactures. Referred to the committee on agriculture and mining.

By Mr. LEFTWICH: A bill to allow David E. Bass, late treasurer of Campbell county, further time to return lists of insolvents and delinquents. Referred to the committee on finance.

By Mr. EVANS of *Richmond city*: Petition of John W. Wright's administrator. Referred to the committee on finance.

By Mr. MOON: A bill to amend an act entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerks of circuit courts, in force March 17, 1884. Referred to the committee for courts of justice.

By Mr. CAMPER: A bill to legalize the Botetourt agricultural and mechanical association, and to amend the same. Referred to the committee for courts of justice.

By Mr. MUNFORD: A bill to regulate times for holding courts in the fourth judicial district. Referred to the committee for courts of justice.

By Mr. MOON: A bill to provide a supply of water for the University of Virginia. Referred to the committee for schools and colleges.

By Mr. CHAPMAN: A bill to amend and re-enact section 28 of an act approved March 8, 1884, entitled an act to provide for the working and repairing of public roads and bridges. Referred to the committee on counties, cities and towns.

By Mr. MOON: Petition of citizens of Albemarle county, Virginia, for repeal of no fence law in Charlottesville district. Referred to the committee on counties, cities and towns.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 50. House bill for making or repairing division fences between coterminous land owners in the county of King George, was, on motion of Mr. GREEN of *Stafford*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, came up.

On motion of Mr. CARDWELL, the bill was passed by.

On motion of Mr. CARDWELL, the House adjourned until tomorrow, at 12 o'clock.

FRIDAY, OCTOBER 24, 1884.

On motion of Mr. ECHOLS, the reading of the Journal was dispensed with.

The SPEAKER laid before the House a communication from the governor transmitting a letter from lighthouse engineer of fourth district, Philadelphia, asking from the state a title to certain land in Chincoteague bay for the erection of a lighthouse; which were referred to the committee on Chesapeake and its tributaries.

No. 57. House bill to provide for the restoration of certain records in the clerk's office of the county court of Rockingham county, reported from the committee for courts of justice, was read a first time.

Senate concurrent resolution as follows:

Resolved (the House of Delegates concurring,) That a committee, consisting of two from the Senate and three from the House of Delegates, be appointed to ascertain and report what is necessary to be done to further the success of the Normal and collegiate institute, incorporated by the act approved 6th March, 1882, and said committee shall have authority to sit during the recess of the General Assembly, and send for persons and papers—

Reported from the committee on schools and colleges, was agreed to.

Mr. ANDERSON of *Rockbridge*, moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. ANDERSON of *Rockbridge*, inform the Senate that the House had agreed to the resolution.

The SPEAKER appointed Messrs. BAKER, ECHOLS and McCANDLISH the committee on the part of the House.

Mr. GRAVES, under a suspension of the rule, presented

No. 58. House joint resolution for the relief of the tax-payers of Bedford county; which was read a first time.

No. 13. House bill to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, was, on motion of Mr. ANDERSON of *Rockbridge*, taken up from the table.

The bill was placed on the calendar.

No. 19. House bill for the relief of the estate of R. S. Slayton, and his widow, Ann Slayton, was, on motion of Mr. KEEN, taken up from the table.

The bill was placed on the calendar.

No. 17. House bill to amend an act incorporating the Lynchburg and Southwestern railroad company, was, on motion of Mr. VAUGHAN of *Grayson*, taken up from the table.

The bill was placed on the calendar.

Mr. TRIGG, under a suspension of the rule, presented

No. 59. House bill to incorporate the Abingdon and Laurel railroad company; which was read a first time.

Mr. DUNLOP, under a suspension of the rule, presented

No. 60. House bill for the protection of cotton planters of the state of Virginia; which was read a first time.

Mr. CAMPER, under a suspension of the rule, presented

No. 61. House bill for the relief of John McClure; which was read a first time.

Indefinite leave of absence was granted Messrs. PAXTON and GRIFFIN; and one day each to Messrs. BOLEN, DUNN and WHITE.

Mr. KEEN offered the following concurrent resolution: .

Resolved (the Senate concurring,) That a committee of three on the part of the House, and two on the part of Senate, be appointed to investigate the action of the board of directors of the Normal female school at Farmville, and report at the present session of the General Assembly all violations, if any, in the formation and management of said school, of the true intent and express provisions of the act establishing and sustaining said school—

Which was agreed to.

Mr. KEEN moved to reconsider the vote by which the concurrent resolution was agreed to; which motion was rejected.

Ordered, That Mr. KEEN carry the resolution to the Senate and request their concurrence.

The SPEAKER appointed Messrs. KEEN, ELLIS and GARNETT the committee on the part of the House.

The following were presented and referred under rule 37:

By Mr. PRETLOW: A bill to incorporate the town of Boykins. Referred to the committee on counties, cities and towns.

By Mr. WILKINS: A bill to amend an act entitled an act requiring railroad companies to construct cattle-guards. Referred to the committee on roads and internal navigation.

By Mr. JONES: A bill for the relief of William P. B. Lockridge, of the county of Highland. Referred to the committee for courts of justice.

By Mr. CROCKETT: A bill to incorporate the Saltville and Cove plaster bank railroad. Referred to the committee on roads and internal navigation.

By Mr. DARST: A bill to provide an increase of the district school funds of Hiawassee district, of the county of Pulaski. Referred to the committee on schools and colleges.

By Mr. DARST: A bill for the prettection of fish in New river. Referred to the committee on the Chesapeake and its tributaries.

By Mr. EVANS of *Middlesex*: A petition of citizens of Mathews county asking for amendments to the oyster law. Referred to the committee on the Chesapeake and its tributaries.

By Mr. WESCOTT: A petition of citizens of Accomac, asking an amendment to the oyster law. Referred to the committee on the Chesapeake and its tributaries.

By Mr. BAKER: A bill to amend and re-enact section 5, chapter 300, Acts of 1879-80, as amended by an act approved April 18, 1882, in relation to the charter of the consolidated railway company. Referred to the committee on roads and internal navigation.

By Mr. ROSS: A bill to repair and keep in order the roads of the county of Gloucester. Referred to the committee on roads and internal navigation.

By Mr. LEFTWICH: A bill to appoint an Englishman, of recognized position, in London, as state agent of emigration for Virginia, to work in connection with a resident agent in Virginia, for the promotion of English emigration to Virginia. Referred to the committee on finance.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 50. House engrossed bill for making or repairing division fences between coterminous land owners, in the county of King George, was, on motion of Mr. GREEN of *Stafford*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. GREEN of *Stafford*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. GREEN of *Stafford*, carry the bill to the Senate, and request their concurrence.

A message was received from the Senate by Mr. McDONALD, who informed the House that the Senate had passed the bill.

No. 55. House bill to provide for the display of Virginia's resources in World's industrial and cotton centennial exposition at New Orleans, was, on motion of Mr. MUNFORD, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

The bill being presently engrossed,

Mr. MUNFORD moved that the bill be read a third time this day, which was agreed to, two-thirds in the House so determining.

The bill was read a third time and passed—yeas 67; nays 6.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Bailey, Baker, Banks, Barton, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gibson, Gordon, Grandstaff, Grattan, Duff Green, Armistead Green, Harris, Hazlewood, Hobson, Keen, Kilgore, Lawson, Leftwich, Loving, Luttrell, McLin, Mays, Charles C. Meade, David Meade, Moffett, Moorefield, Moon, Munford, W. G. Mustard, Nance, Noblin, Opie, Parker, Paxton, Pollard, Porter, Powell, Pretlow, Robertson, Ross, Saunders, Scott, Seay, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Wheeler, White, and Whitehead—67.

NAYS—Messrs. Bishop, Brockwell, Burks, Gee, Mauck, and Winn—6.

Mr. MUNFORD moved to reconsider the vote by which the bill was passed; which motion was rejected.



Ordered, That Mr. MUNFORD carry the bill to the Senate, and request their concurrence.

No. 52. House bill to authorize the judge of the circuit court of Alexandria to hold special terms of the court in his city, was, on motion of Mr. STUART, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

The bill being presently engrossed,

Mr. STUART moved that it be read a third time this day; which was agreed to—two-thirds in the House so determining.

The bill was read a third time and passed.

Mr. STUART moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. STUART carry the bill to the Senate, and request their concurrence.

A message was received from the Senate by Mr. MEREDITH, who informed the House that the Senate had passed the bill.

No. 7. House bill to relieve R. T. Caldwell from the payment of a fine, was, on motion of Mr. TRIGG, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 4. Senate bill entitled an act to prescribe the times and places for holding the courts of the 6th judicial circuit, was, on motion of Mr. MOON, taken up out of its order on the calendar.

The substitute proposed by the committee for courts of justice was agreed to.

The bill was ordered to its third reading.

The substitute being presently engrossed, the bill was read a third time and passed.

On motion of Mr. MOON, the title was amended by striking out the whole of the same, and inserting in lieu thereof the following: "To fix the time for holding the courts and regulate the trial of certain issues in the 6th judicial circuit."

Mr. MOON moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 56. House bill to remove the political disabilities of George W. Gunnell, Richard B. Tyler and others, was, on motion of Mr. OPIE, taken up out of its order on the calendar.

The bill was read a second time.

On motions severally made by Messrs. MEADE of *Clarke*, TRIGG and LEIGH, the bill was amended by adding the names of Messrs. Casper W. Green, William H. Hamilton, John C. Summers and Joseph H. Powell.

The bill, as amended, was ordered to be engrossed to be read a third time.

The bill being presently engrossed,

Mr. SMITH moved that it be read a third time this day, which was agreed to—two-thirds in the House so determining.

The bill was read a third time and passed.

Mr. SMITH moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. ECHOLS carry the bill to the Senate, and request their concurrence.

No. 14. Senate bill entitled an act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon, came up.

The substitute of the Senate to the amendment of the House was agreed to.

No. 15. Senate bill entitled an act to authorize the erection of a section toll-gate from Hobbs' ferry, at Peterstown, in Giles county, was, on motion of Mr. DARST, dismissed.

No. 21. Senate bill entitled an act to permit the qualified voters of the county of Accomac to vote upon the proposition of a change of location in the county seat, was, on motion of Mr. WESCOTT, passed by.

No. 46. Senate bill entitled an act to authorize the board of directors of the Eastern lunatic asylum to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, was, on motion of Mr. GIBSON, passed by.

No. 31. House engrossed bill for the relief of the tax-payers of Alleghany county, was, on motion of Mr. SAUNDERS, passed by.

No. 38. House engrossed bill to amend and re-enact sections 2 and 14 of an act approved March 3, 1884, entitled an act to provide for working the public roads in the county of Grayson, was read a third time and passed.

Mr. VAUGHAN of *Grayson*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 46. House engrossed joint resolution to fill a vacancy in the board of school commissioners in the county of Loudoun, was, on motion of Mr. RYAN, passed by.

A message was received from the Senate by Mr. HEATON, who informed the House that the Senate had passed Senate bill entitled an act to change the dividing line between Linville and Plaines magisterial districts, in the county of Rockingham, No. 78; in which they respectfully request the concurrence of the House.

No. 48. House bill to pay the claim of citizens of Virginia wounded and maimed during the late war, was, on motion of Mr. HAZLEWOOD, taken up out of its order on the calendar.

The bill was read a second time.

Mr. BARTON moved to pass by the bill; which motion was rejected—yeas 10; nays 55.

On motion of Mr. BARTON, the vote was recorded as follows:

**YEAS**—Messrs. Barton, Bishop, Echols, Garnett, Gordon, Grattan, Kelly, David Meade, Pretlow, and Ryan—10.

**NAYS**—Messrs. Speaker, William A. Anderson, Bailey, Baker, Brockwell, Burks, Camper, Chapman, Christian, Crockett, Curtis, Darst, A. Browne Evans, Gibson, Grandstaff, Graves, Duff Green, Armistead Green, Harris, Hazlewood, Hobson, Keen, Kilgore, Lawson, Leftwich, Leigh, Loving, McLin, Mauck, Mays, Charles C. Meade, Moffett, Moorefield, W. G. Mustard, Opie, Parker, Paxton, Pollard, Porter, Powell, Robertson, Saunders, Scott, Seay, Soule, Stribling, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, Wheeler, White, and Whitehead—55.

The bill was ordered to be engrossed to be read a third time.

No. 51. House bill to authorize the Seaboard and Roanoke railroad company to invest in and operate railroad and transportation lines in this and in other states, was, on motion of Mr. RYAN, taken up out of its order on the calendar.

The bill was read a second time.

Mr. GREEN of *Stafford*, moved to pass by the bill; which motion was rejected—yeas 18; nays 41.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

**YEAS**—Messrs. Camper, Curtis, Grandstaff, Duff Green, Hazlewood, Keen, Kilgore, Leigh, McLin, Mauck, Charles C. Meade, W. G. Mustard, Ross, Scott, Trigg, Winn, Wheeler, and White—18.

**NAYS**—Messrs. Speaker, William A. Anderson, Banks, Barton, Bishop, Brockwell, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Hobson, Lawson, Leftwich, Loving, Mays, David Meade, Moffett, Moorefield, Opie, Parker, Paxton, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Soule, Stribling, John W. Vaughan, R. F. Vaughan, Wilkins, and Whitehead—41.

On motion of Mr. GIBSON, the bill was amended by adding at end of the 1st section the following:

“Provided that said company shall agree to be taxed as other railroad companies of the state are taxed, otherwise this act shall be null and void.”

Mr. DUNLOP moved to add the following:

“Provided that before this bill shall take effect the Seaboard and Roanoke railroad and the Raleigh and Gaston railroad shall contract with the board of public works that they will conform to the general law of the state of Virginia in giving connections and pro rates to other roads leading to other points in the state of Virginia.”

Pending which,

On motion of Mr. OPIE, the bill was recommitted to the committee on roads and internal navigation.

A message was received from the Senate by Mr. HEATON, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved by the Senate (the House concurring,) That this session be extended for a period of time not exceeding thirty days from and after the expiration of the present session—

In which they respectfully request the concurrence of the House.

Mr. GREEN of *Stafford*, moved to dismiss the resolution; which motion was rejected.

On motion of Mr. STUART, the Senate concurrent resolution was postponed for one hour.

No. 13. House bill to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, was read a second time, and on motions severally made by Mr. ANDERSON of *Rockbridge*, the bill was amended as follows:

Before the word "levy," in line 2 of section 2, insert the word "include."

After the word "county," in line 3 of section 2, insert the words "as part of the annual county levy."

Insert the following proviso at the end of section 2:

"Provided that nothing in this act shall be construed to prohibit the board of supervisors of Rockbridge county from appropriating so much of the money realized from the levies made by said board to working and keeping in repair the roads of said county, as is authorized to be used for that purpose by the act of the General Assembly of Virginia, approved March 4, 1884, entitled an act to provide for working and keeping in repair the public roads of Rockbridge county."

Insert the following, to come in as an independent section:

"Section 3. All sums which may be realized from any sale of the shares of the capital stock in the Valley railroad company owned by said county, shall be set apart and appropriated by the board of supervisors thereof exclusively to payment, purchase or redemption of the bonds issued under this act, so long as any of said bonds shall remain unpaid: provided, however, that no sale shall be made of any of said shares of stock unless three-fourths of the members of said board of supervisors shall vote in favor of the order or ordinance of said board authorizing or sanctioning such sale."

The bill, as amended, was ordered to be engrossed to be read a third time.

No. 19. House bill for the relief of the estate of R. S. Slayton and his widow, Ann Slayton, was read a second time and ordered to be engrossed to be read a third time.

On motion of Mr. BARTON, the House took a recess until 4 o'clock, P. M.

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#### AFTERNOON SESSION.

The chair was resumed at 4 o'clock, P. M.

The SPEAKER laid before the House No. 78, Senate bill entitled an act to change the dividing line between Linville and Plains magisterial districts, in the county of Rockingham.

The bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. GRATTAN, requiring its reference to a committee.

The bill was read a third time and passed.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 40. House bill to provide for working the roads in the county of Goochland, was, on motion of Mr. VAUGHAN of *Goochland*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

The bill being presently engrossed,

Mr. VAUGHAN of *Goochland*, moved that the bill be read a third time this day; which was agreed to—two-thirds in the House so determining.

The bill was read a third time and passed.

Mr. VAUGHAN of *Goochland*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 58. House joint resolution for the relief of the tax-payers of Bedford county, was, on motion of Mr. GRAVES, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

Mr. POLLARD offered the following concurrent resolution:

Resolved (the Senate concurring,) That the General Assembly will take a recess from this day, October 24th, until November 3d next—

Which was agreed to.

Mr. POLLARD moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. POLLARD carry the resolution to the Senate, and request their concurrence.

A message was received from the Senate by Mr. LOVENSTEIN, who informed the House of Delegates that the Senate had agreed to the resolution.

Senate concurrent resolution as follows:

Resolved by the Senate (the House concurring,) That this session be extended for a period of time not exceeding thirty days from and after the expiration of the present session—

Came up.

Mr. CARDWELL moved to pass by the resolution for five minutes; which was agreed to—yeas 54; nays 8.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Baker, Barton, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Garnett, Gordon, Graves, Hobson, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, David Meade, Moffett, Moorefield, Moon, Munford, Noblin, Opie, Overby, Paxton, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Scott, Seay, Smith, Soule, Tabb, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—54.

**YAYS**—Messrs. Gee, Grandstaff, Duff Green, McLin, Mauck, Charles C. Meade, W. G. Mustard, and Parker—8.

Mr. CARDWELL moved that the House do now adjourn; which motion was rejected—yeas 9; nays 58.

On motion of Mr. CARDWELL, the vote was recorded as follows:

**YAYS**—Messrs. Garnett, Grandstaff, Duff Green, McLin, Mauck, Charles C. Meade, W. G. Mustard, Parker, and Scott—9.

**NAYS**—Messrs. Speaker, William A. Anderson, Bailey, Baker, Barton, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Hobson, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, David Meade, Moffett, Moorefield, Moon, Munford, Noblin, Opie, Overby, Peters, Pollard, Porter, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—58.

Senate resolution in relation to extension of the present session again came up.

Mr. ELLIS moved to pass by the resolution; which motion was agreed to—yeas 59; nays 7.

On motion of Mr. ELLIS, the vote was recorded as follows:

**YAYS**—Messrs. Speaker, William A. Anderson, Bailey, Baker, Barton, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Hobson, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, David Meade, Moffett, Moorefield, Moon, Munford, Noblin, Opie, Overby, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—59.

**NAYS**—Messrs. Garnett, Grandstaff, Duff Green, Mauck, Charles C. Meade, Parker, and Scott—7.

Mr. ELLIS moved to reconsider the vote by which the Senate resolution in relation to extension of the present session was passed by; which motion was agreed to—yeas 42; nays 10.

On motion of Mr. GIBSON, the vote was recorded as follows:

**YAYS**—Messrs. Speaker, Bailey, Baker, Christian, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Gibson, Gordon, Grandstaff, Grattan, Graves, Hobson, Keen, Kelly, Lawson, Leftwich, Loving, Luttrell, Mays, David Meade, Moffett, Moorefield, Overby, Peters, Pollard, Powell, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Winn, and Whitehead—42.

**NAYS**—Messrs. William A. Anderson, Barton, Burks, Cardwell, Chapman, Crockett, Darst, Gee, Mauck, and Parker—10.

The question recurring on agreeing to the motion by Mr. ELLIS to pass by the Senate resolution, was put and decided in the negative.

The Senate concurrent resolution in relation to extension of the present session was agreed to—yeas 60; nays 10.

The vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Bailey, Baker, Barton, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darat, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Hobson, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, Davis Meade, Moffett, Moorefield, Moon, Munford, Noblin, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—60.

**NAYS**—Messrs. Gee, Grandstaff, Duff Green, Hazlewood, McLin, Mauck, Charles C. Meade, W. G. Mustard, Parker, and Scott—10.

Mr. GRAVES moved to reconsider the vote by which the Senate resolution was agreed to; which motion was rejected.

Ordered, That Mr. ELLIS inform the Senate that the House had agreed to the Senate concurrent resolution.

The committee on enrolled bills report that the governor has approved the following:

An act to authorize the judge of the circuit court of the city of Alexandria to hold special terms of his court in his city.

An act making or repairing division fences between co-terminous land owners in the county of King George.

Mr. POLLARD moved that the House do now adjourn; which motion was agreed to.

The SPEAKER declared the House adjourned until November 3, next, at 12 o'clock, M.

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### MONDAY, NOVEMBER 3, 1884,

Mr. CARDWELL, chairman of the committee of propositions and grievances, in the chair.

On motion of Mr. BAKER, the reading of the Journal was dispensed with.

The following report was presented:

The committee on enrolled bills report that the governor has approved the following bill:

An act to change the dividing line between Linville and Plaines magisterial districts in the county of Rockingham on October 25, 1884.

On motion of Mr. EVANS, the House adjourned.

## TUESDAY, NOVEMBER 4, 1884.

Mr. DUNLOP, chairman of committee on militia and police, in the chair.

On motion of Mr. CHRISTIAN, the reading of the Journal was dispensed with.

On motion of Mr. CHRISTIAN, the House adjourned.

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## WEDNESDAY, NOVEMBER 5, 1884.

Mr. CARDWELL, chairman of committee of propositions and grievances, in the chair.

On motion of Mr. DUNLOP, the reading of the Journal was dispensed with.

On motion of Mr. CURTIS, the House adjourned.

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## THURSDAY, NOVEMBER 6, 1884.

Mr. CARDWELL, chairman of the committee of propositions and grievances, in the chair.

On motion of Mr. BAKER, the reading of the Journal was dispensed with.

On motion of Mr. DUNLOP, the House adjourned.

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## FRIDAY, NOVEMBER 7, 1884.

The SPEAKER in the chair.

On motion of Mr. DUNLOP, the reading of the Journal was dispensed with.

The following were presented and referred under rule 37:

By Mr. BARTON: A bill for the relief the Shenandoah Valley agricultural society. Referred to the committee on agriculture and mining.

By Mr. POLLARD: A bill to prescribe the times for holding the courts in the ninth judicial district. Referred to the committee for call of justice.

On motion of Mr. MUNFORD,

No. 16. House bill to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884, was taken up from the table.

The bill was placed on the calendar.

On motion of Mr. RYAN, the House adjourned.

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SATURDAY, NOVEMBER 8, 1884.

The Journal was read by the clerk.

The following bills reported from the committee for courts of justice were read a first time:

No. 62. House bill to authorize the trustees of certain church property of Louisa county to sell the same, &c., with a recommendation that it do not pass.

No. 63. House bill to amend and re-enact the first section of an act approved February 15, 1879, entitled an act providing for the rebinding of books of record.

No. 64. House bill to authorize county surveyors to administer oaths and affirmations.

No. 65. House bill to amend and re-enact an act to provide for a general index to deeds, wills, and fiduciary accounts, approved March 29, 1877.

The following reports were agreed to:

The committee for courts of justice to whom was referred a bill for the relief of Wm. P. B. Lockridge, of the county of Highland, respectfully ask to be discharged from its consideration and that it be referred to the committee on finance.

The committee for courts of justice to whom was referred Senate bill No. 53, entitled an act for the compensation of W. W. Wood, of Mecklenburg county, respectfully ask to be discharged from its consideration and that it be referred to the committee on finance.

Mr. CARDWELL, under a suspension of the rule, presented the following resolution:

Be it resolved, That the superintendent of public instruction be requested to inform the House of Delegates what number of school districts existed in the county of Hanover on the close of the school year 1882-3, with the names of each of said districts, and the amounts due by said districts for pay of teachers on July 31, 1883; and the amount of state school funds remaining in the hands of the county treasurer of Hanover on August 1, 1883; and why the board of education, in the apportionment of state school funds, made in September, 1884, withheld more than \$1,300 from the county of Hanover.

The resolution was agreed to.

Mr. BARTON offered the following concurrent resolution :

Resolved (the Senate concurring), That the special joint committee to examine the lunatic asylums of the state, be requested to report to the General Assembly, a bill or bills embodying the suggestions contained in their report.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. BARTON moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

The following were presented and referred under rule 37:

By Mr. CHAPMAN: A bill to amend and re-enact an act approved January 28, 1884, for the relief of A. W. Finks, of Madison county. Referred to the committee on finance.

By Mr. ROBERTSON: A bill to incorporate the Good Samaritan Association of Appomattox county, Va. Referred to the committee of propositions and grievances.

By Mr. CAMPER: A bill to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to secure to taxpayers in cities and towns, the right of public school education for their children, approved March 17, 1884. Referred to the committee on schools and colleges.

By Mr. RYAN: A bill to provide for the assessment of real estate in this state, in the year 1885, and every fifth year thereafter. Referred to the committee on finance.

By Mr. CHAPMAN: A bill authorizing the board of supervisors of Madison county, to allow compensation to school trustees. Referred to the committee on schools and colleges.

By Mr. PAXTON: A bill to amend and re-enact an act entitled an act directing the board of visitors of the Virginia military institute to be vacated, and the appointment of a new board, approved March 3, 1882. Referred to the committee on schools and colleges.

By Mr. TABB: A bill to incorporate the Seaboard oyster company. Referred to the committee of propositions and grievances.

By Mr. ECHOLS: A bill for the protection of fish in the waters of the commonwealth, above tide-water. Referred to the committee on the Chesapeake and its tributaries.

The morning hour having expired, the House proceeded to the business on the calendar:

No. 13. House engrossed bill to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, was, on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. ANDERSON of *Rockbridge*, moved a reconsideration of the vote by which the bill was passed; which motion was rejected.

No. 16. House bill to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884, was, on motion of Mr. MUNFORD, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 61. House bill for the relief of John McClure, was, on motion of Mr. CAMPER, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 59. House bill to incorporate the Abingdon and Laurel railroad company, was, on motion of Mr. TRIGG, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

On motion of Mr. BAKER, the House adjourned.

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MONDAY, NOVEMBER 10, 1884.

Mr. EVANS of *Middlesex*, in the chair.

No. 42. Senate bill entitled an act to amend and re-enact section 4 of chapter 182 of the Code, as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens, heretofore recommitted to the committee for courts of justice, was reported back with amendments.

The following House bills, reported from the committee for courts of justice, were read a first time:

No. 66. House bill to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against a notice to a corporation.

No. 67. House bill to amend an act entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerks of circuit courts, in force March 17, 1884.

No. 68. House bill to prescribe the times for holding the courts in the ninth judicial district.

The following report was agreed to:

We, the undersigned, members of the committee of privileges and elections, to whom were referred the papers in the contested election case from the county of King William, respectfully beg leave to submit the following report:

That the depositions and other papers produced before the committee since the report formerly made in this case, abundantly shows that it was a clerical mistake in the certificate prepared by the clerk of the county court of King William, in stating that H. I. Lewis had received 844 votes, and A. T. Mooklar 747 votes; and it further appearing that the said A. T. Mooklar, the contestant,

received a majority of the legal votes cast, we do recommend the passage of the following resolution:

Resolved, That A. T. Mooklar is entitled to a seat in the House of Delegates in the General Assembly of Virginia as the member elect from the county of King William.

A. B. EVANS,  
THOS. A. CHAPMAN,  
M. W. CAMPER,  
J. N. OPIE,  
J. B. McLIN,  
JNO. D. LUTTRELL,  
DANIEL TRIGG.

Mr. BAKER, under a suspension of the rule, offered the following resolution:

Resolved, That the railroad commissioner be requested to ascertain and communicate to this body, as soon as practicable, the causes that have induced the Richmond and Danville and Norfolk and Western railroads to abolish all passenger connections at Burkeville.

The resolution was agreed to.

Mr. OPIE offered the following resolution:

Resolved, That the committee on roads be and is hereby instructed to report the bill that was passed by this House at its regular session, which looked to the establishment of a railroad commission, to consist of three members, and defining the powers and duties of the same.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

The following were presented and referred under rule 37:

By Mr. DARST: A bill to authorize the auditor of public accounts to adjust and compromise the claim of the commonwealth against Charles W. McClaugherty, late sheriff of Giles county, and his sureties. Referred to the committee on finance.

By Mr. MUNFORD: A bill to amend and re-enact section 1 of an act approved March 6, 1882, entitled an act to amend and re-enact sections 1, 4, 6 and 7 of an act entitled an act to incorporate the Danville and New river railroad company, approved March 20, 1873, as amended by an act approved March 20, 1877. Referred to the committee on roads and internal navigation.

By Mr. RYAN: A bill in relation to corporations and associations organized under other authority than the laws of this state, for the purpose of furnishing life indemnity or insurance upon the assessment plan. Referred to the committee of propositions and grievances.

By Mr. MEADE of *Clarke*: A bill to repeal sections 106 and 107 of chapter 1 of an act passed March 15, 1884, relating to the assessment of taxes upon persons and property, &c. Referred to the committee on finance.

By Mr. NOBLIN: A bill exempting farmers from jury service during cutting and curing tobacco. Referred to the committee for courts of justice.

By Mr. OVERBY: A bill in relation to the school fund of Charlotte county. Referred to the committee on schools and colleges.

By Mr. CURTIS: A bill to amend and re-enact the 40th section of an act entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them in the waters of the commonwealth, approved March 4, 1884. Referred to the committee on the Chesapeake and its tributaries.

Mr. FITZPATRICK offered the following resolution:

Resolved, That the committee on finance be instructed to ascertain and report what sums, if any, have been drawn from the treasury by Attorney-General F. S. Blair, other than his salary by law, and under and by what authority such sums were so drawn—said committee may sit during the sessions of the House, and shall report as soon as practicable, and shall have power to send for persons and papers.

The House refused to refer the resolution to a committee.

The question being on agreeing to the resolution, was put—yeas 46.

On motion of Mr. BAKER, the vote was recorded as follows:

YEAS—Messrs. William A. Anderson, Baker, Barton, Bishop, Brockwell, Camper, Chapman, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Armistead Green, Hobson, Keen, Kelly, Leftwich, Leigh, Loving, Luttrell, McLin, David Meade, Moorefield, Moon, Munford, S. P. Mustard, W. G. Mustard, Nance, Noblin, Opie, Overby, Paxton, Pollard, Porter, Powell, Robertson, Ryan, Scott, Seay, Tabb, Trigg, R. F. Vaughan, and Ward—46.

No quorum voting.

Mr. GIBSON moved that the House do now adjourn; which motion was rejected—yeas 3; nays 39.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. Gibson, Hobson, and Kelly—3.

NAYS—Messrs. William A. Anderson, Baker, Barton, Bishop, Camper, Chapman, Christian, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Armistead Green, Keen, Leftwich, Loving, Luttrell, McLin, David Meade, Moorefield, Moon, Munford, Noblin, Opie, Overby, Paxton, Pollard, Porter, Powell, Robertson, Ryan, Scott, Seay, Tabb, Trigg, R. F. Vaughan, and Ward—39.

Mr. BAKER moved a call of the House.

On motion of Mr. ECHOLS, the House adjourned.

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TUESDAY, NOVEMBER 11, 1884.

The SPEAKER in the chair.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

No. 62. Senate bill entitled an act to allow the county school board of Spotsylvania county to use a part of the school fund to

erect school-houses, was reported from the committee on schools and colleges.

No. 53. Senate bill entitled an act for the compensation of W. W. Wood, of Mecklenburg county, was reported from the committee on finance, with amendments.

The following House bills, reported from the committee on schools and colleges, were read a first time:

No. 69. House bill to amend and re-enact an act entitled an act directing the board of visitors of the Virginia military institute to be vacated, and the appointment of a new board, approved March 3, 1882.

No. 70. House bill to provide an increase of the district school funds of Hiawassee district, of the county of Pulaski.

No. 71. House bill to amend and re-enact section six of chapter eighty of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia.

No. 72. House bill in relation to the school fund of Charlotte.

No. 73. House bill for the relief of the Shenandoah valley agricultural society, reported from the committee on agriculture and mining, was read a first time.

No. 74. House bill substituting a board of railroad commissioners for the present railroad commissioner of the state, and defining the duties and powers of such boards, and repealing the act of March 31, 1877, in reference to the said commissioner, reported from the committee on roads and internal navigation, was read a first time.

The following House bills, reported from the committee on finance, were read a first time:

No. 75. House bill to provide the manner in which the Nelson improvement company may obtain a license to operate its telephone, and fix the amount to be paid therefor.

No. 76. House bill to amend and re-enact an act approved January 28, 1884, for the relief of A. N. Finks, of Madison county, with a recommendation that it do not pass.

No. 77. House bill to allow David E. Bass, late treasurer of Campbell county, further time to return lists of insolvents and delinquents.

No. 78. House bill to repeal sections 106 and 107 of chapter 1, of an act passed March 15, 1884, relating to the assessment of taxes upon persons and property, etc.

No. 79. House bill for the relief of the estate of C. H. Lynch, of Campbell county, Virginia.

Mr. MAYS, under a suspension of the rule, presented

No. 80. House bill to incorporate the town of Stuart, in the county of Patrick, which was read a first time.

Mr. KEEN, under a suspension of the rule, presented

No. 81. House bill to amend and re-enact section 18 of an act to amend and re-enact the charter of the town of North Danville, approved March 7, 1884, which was read a first time.

Mr. PORTER, under a suspension of the rule, presented

No. 82. House bill to provide a new registration for the city of Portsmouth, which was read a first time.

No. 3. House engrossed bill entitled an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, was, on motion of Mr. GRAVES, taken up.

The bill was placed on the calendar.

No. 12. House bill to authorize the board of supervisors of Fauquier county to increase the salary of the county judge of said county, was, on motion of Mr. SMITH, taken up.

The bill was placed on the calendar.

Leave of absence was granted to Mr. NOBLIN for one day, and to Mr. KEEN for two days.

The SPEAKER laid before the House a communication from the superintendent of public instruction, in response to a resolution of the House, in relation to public schools in the county of Hanover; which, on motion of Mr. ECHOLS, was passed by and ordered to be printed.

Mr. GRAVES, under a suspension of the rule, offered the following resolution:

Resolved, That the auditor of public accounts be and is hereby instructed to furnish to the House of Delegates the number of applications of maimed soldiers on file in his office who have not received commutation under the provisions of the act passed at the last regular session of the General Assembly.

The resolution was agreed to.

Mr. OPIE offered the following resolution:

Resolved, That the Speaker of the House be requested to send the following telegram to Grover Cleveland: "The House of Delegates of Virginia, now in session, congratulate you and the country upon your election to the presidency of the United States, and upon the peace and good order which has prevailed throughout the Republic.

The House referred the resolution to the committee on federal relations and resolutions.

Mr. OPIE moved to reconsider the vote by which the House referred the resolution.

On motion of Mr. CARDWELL, the motion to reconsider was passed by.

Mr. OPIE offered the following resolution:

Resolved, That the committee on asylums and prisons be and is hereby instructed to report by bill or otherwise, what, if any, legislation is necessary in reference to the present management of the state charitable institutions.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. GIBSON, under a suspension of the rule, offered the following resolution:

Resolved, That the auditor of public accounts be requested to

inform this House what railway corporations claim to be exempt from taxation, and to what extent such claims are true.

The resolution was agreed to.

The following were presented and referred under rule 37:

By Mr. POLLARD: A bill to amend and re-enact section 1 of an act entitled an act in regard to repeal of fence law in the county of Brunswick, approved March 10, 1884. Referred to the committee on counties, cities and towns.

By Mr. PETERS: A bill for the relief of the sureties of Swinfield Stanly, late sheriff of Henry county. Referred to the committee on finance.

By Mr. NOBLIN: A bill to authorize the Richmond and Danville railroad company to invest in and operate railroad and transportation lines in this and other states. Referred to the committee on roads and internal navigation.

By Mr. BAKER: A bill for the relief of Mrs. Emma D. Cox, of Chesterfield county. Referred to the committee on finance.

By Mr. PETERS: A bill amending the fish law of the state of Virginia. Referred to the committee on the Chesapeake and its tributaries.

By Mr. GRATTAN: A bill to incorporate the town of Orkney Springs, in the county of Shenandoah. Referred to the committee on counties, cities and towns.

By Mr. TABB: A bill to extend the time for imposing the penalty of five per centum for non-payment of taxes for the second assessor's district of Norfolk county. Referred to the committee on finance.

By Mr. ROBERTSON: A bill for the relief of William Gills, late treasurer of Appomattox county. Referred to the committee on finance.

By Mr. SMITH: A bill to repeal an act entitled an act authorizing a review by the county courts of the decisions of justices of the peace in cases of misdemeanors, approved March 31, 1875. Referred to the committee for courts of justice.

By Mr. ELLIS: A bill to amend and re-enact an act approved April 22, 1882, as amended by an act approved March 17, 1884, in relation to the compensation of clerks of circuit courts. Referred to the committee for courts of justice.

By Mr. GRAVES: A bill to authorize the revisors of the Code of Virginia, to employ a clerk. Referred to the committee for courts of justice.

By Mr. EVANS of *Middlesex*: A bill to prohibit the boards of supervisors in each of the counties bordering on the bays, rivers, and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes, to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake, and to prevent a double tax on oysters transported to market on steam vessels. Referred to the committee on the Chesapeake and its tributaries.

By Mr. KELLY: A bill to amend and re-enact section 1 of an act approved March 6, 1882, entitled an act to amend and re-enact section 1 of an act approved March 12, 1878, entitled an act to amend and re-enact certain sections of the Code of 1873, and certain acts of assembly amendatory thereof, and other acts of assembly in relation to the salaries of certain officers of the government and their employees, compensation of members and officers of the General Assembly, mileage and other allowances, to define the salaries of certain officers, and to repeal chapter 158 of the Acts of 1874, and section 27 of chapter 16, and sections 2, 4, and 5 of chapter 161, and sections 5, 16, and 24 of chapter 13 of the Code of 1873, and all other acts or parts of acts in conflict. Referred to the committee on finance.

The SPEAKER laid before the House a communication from the second auditor, in relation to the funding of old securities of the state.

On motion of Mr. POLLARD, the communication was referred to the committee on finance.

The resolution offered by Mr. FITZPATRICK on yesterday, in relation to the sums drawn by the attorney-general other than his salary, unfinished business of the morning hour, came up.

On motion of Mr. POLLARD, the resolution was amended by striking out "committee on finance," and inserting "special committee of three."

The resolution as amended was agreed to.

The SPEAKER appointed Messrs. MOON, BARTON, and BISHOP the committee.

The morning hour having expired, the House proceeded to the consideration of business on the calendar.

No. 3. House engrossed bill entitled an act to provide for the assessment of real estate in this state, in the year 1885, and every fifth year thereafter, was, on motion of Mr. GRAVES, recommitted to the committee on finance.

No. 61. House engrossed bill for the relief of John McClure, was, on motion of Mr. CAMPER, taken up out of its order on the calendar.

Mr. OPIE moved to commit the bill to the committee on finance; which motion was rejected.

Mr. SMITH moved to reconsider the vote by which the House refused to commit the bill; which motion was agreed to.

The question recurring on the motion to commit, was put and decided in the affirmative.

No. 57. House bill to provide for the restoration of certain records in the clerk's office of the county court of Rockingham county, was, on motion of Mr. GRATTAN, taken up out of its order on the calendar.

On motion of Mr. GRATTAN, the bill was amended as follows:

In the first line, fifth section, strike out the words "so forth" and insert the words "other writings."

In the seventh line of fifth section, after the word "and" insert the word "such."

The bill as amended, was ordered to be engrossed to be read a third time.

No. 21. Senate bill entitled an act to permit the qualified voters of the county of Accomac to vote upon the proposition of a change of location in the county seat, was read a third time and passed.

Mr. WILKINS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 46. Senate bill entitled an act to authorize the board of directors of the Eastern lunatic asylum to use any surplus that may remain of the sum heretofore appropriated for the purpose of building and improving the buildings at said asylum, to build a residence for the superintendent, was, on motion of Mr. BARTON, recommitted to the committee on asylums and prisons.

No. 7. House engrossed bill to relieve R. J. Cardwell from the payment of a fine, was, on motion of Mr. TRIGG, taken up out of its order on the calendar.

Mr. BARTON moved to recommit the bill to the committee on finance; which motion was rejected.

The bill was read a third time and passed—yeas 52; nays 10.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Baker, Bishop, Brockwell, Camper, Cardwell, Chapman, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, A. Browne Evans, Fitzpatrick, Gibson, Armistead Green, Griggs, Hazlewood, Hobson, Jones, Keen, Lawson, Leigh, Loving, Luttrell, McLin, Mays, David Meade, Moon, Moorefield, Munford, S. P. Mustard, Noblin, Opie, Overby, Peters, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Westcott, and Wilkins—52.

NAYS—Messrs. Barton, Christian, Thomas J. Evans, Grattan, Graves, Leftwich, Paxton, Pollard, Scott, and Wheeler—10.

No. 59. House engrossed bill to incorporate the Abingdon and Laurel railroad company, was, on motion of Mr. TRIGG, taken up out of its order on the calendar.

The bill was read a third time and passed.

Motions severally made by Mr. TRIGG, to reconsider the votes by which House engrossed bills Nos. 7 and 59 were passed, were rejected.

Ordered, That Mr. TRIGG carry the bills to the Senate and request their concurrence.

No. 46. House engrossed joint resolution to fill a vacancy in the board of school commissioners in the county of Loudoun, was, on motion of Mr. RYAN, taken up out of its order on the calendar.

The joint resolution was read a third time and agreed to.

The amendment to the title, proposed by the committee, as follows:

Strike out the title and insert in lieu thereof the following:

"To elect county school commissioners to fill vacancies which have occurred in the county school trustee electoral boards of their several counties"—

Was agreed to.

Mr. RYAN moved to reconsider the vote by which the joint resolution was agreed to; which motion was rejected.

On motion of Mr. MUNFORD, the House proceeded to the consideration of House engrossed bills.

The following engrossed bills were read a third time and passed.

No. 19. House engrossed bill for the relief of the estate of R. S. Slayton, and his widow, Ann Slayton—yeas 53.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. William A. Anderson, Barton, Camper, Cardwell, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Fitzpatrick, Gibson, Grattan, Graves, Armistead Green, Hazlewood, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Mays, David Meade, Moon, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Scott, Seay, Smith, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, and Wheeler—53.

No 58. House engrossed joint resolution for the relief of the treasurer of Bedford county.

On motion of Mr. GRAVES, the title was amended so as to read as follows:

"To extend the time for the payment of taxes for the year 1884 in Bedford county."

No. 16. House bill to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 31, 1884.

Motions severally made by Messrs. KEEN, GRAVES, and MUNFORD to reconsider the votes by which House bill No. 19, House joint resolution No. 58, and House bill No. 16, were passed, were rejected.

No. 48. House engrossed bill to pay the claims of citizens of Virginia, wounded and maimed during the late war, was, on motion of Mr. GIBSON, recommitted to the committee on finance.

No. 31. House engrossed bill for the relief of the tax-payers of Alleghany county, was, on motion of Mr. GIBSON, recommitted to the committee on finance—yeas 54.

On motion of Mr. GIBSON, the vote was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Baker, Barton, Bishop, Brockwell, Camper, Cardwell, Chapman, Curtis, Darst, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Grattan, Graves, Armistead Green, Hazlewood, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Mays, David Meade, Moorefield, Munford, Opie, Overby, Paxton, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Ryan, Scott, Seay, Smith, Stribling, Tabb, Trigg, Ward, Wescott, Wilkins, and Wheeler—54.

No. 42. Senate bill entitled an act to amend and re-enact section 4 of chapter 182 of the Code, as amended by an act approved February

14, 1874, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens.

The amendments proposed by the committee for courts of justice as follows:

Line 11, page 4, after the words "dollars," insert "such entry of satisfaction or payment shall be signed by the creditor, or his duly authorized agent or attorney, and when so signed and the signature thereto attested by the clerk, in whose office the lien is recorded, the same shall operate as a lease of the judgment, deed of trust or other lien, as to which such satisfaction or payment is so entered."

Line 12, page 4, strike out the words "of entering satisfaction on his judgment docket, record of liens."

Line 14, page 4, strike out the word "judgment."

The bill was ordered to its third reading.

No. 62. Senate bill entitled an act to allow the county school board of Spotsylvania county, to use a part of the school fund to erect school-houses, was read a third time and passed.

No. 53. Senate bill entitled an act for the compensation of W. W. Wood of Mecklenburg county, came up.

The amendments proposed by the committee on finance as follows:

Fourth line, strike out the words "one hundred" and insert "ten."

Fifth line after the words "appropriated," insert the words, "and the board of supervisors of Mecklenburg county, are hereby authorized and empowered in their discretion, to make such further compensation payable out of the county levy as they may think reasonable for services rendered by said W. W. Wood."

The bill was ordered to its third reading.

No. 17. House bill to amend an act incorporating the Lynchburg and Southwestern railroad company, was, on motion of Mr. BAKER, passed by.

No. 39. House bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan and Goochland, as relates to the county of Powhatan, and to apply the general laws to the said county, was, on motion of Mr. BAKER, passed by.

No. 41. House bill for the working of the roads in the county of Chesterfield, was, on motion of Mr. BAKER, passed by.

No. 42. House bill to amend and re-enact an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county, was read a second time.

On motion of Mr. ECHOLS, the bill was amended.

The bill as amended, was ordered to be engrossed to be read a third time.

On motion of Mr. BROCKWELL, the House adjourned.

WEDNESDAY, NOVEMBER 12, 1884.

On motion of Mr. ECHOLS, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 11, 1884.*

The Senate have passed House bill entitled an act to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, No. 13, with an amendment.

They have passed Senate bill entitled an act to amend and re-enact sections 5 and 6 of an act in force February 20, 1884, creating the county board of school commissioners, &c., No. 64.

And have agreed to the substitute proposed by the House of Delegates to Senate bill entitled an act to prescribe the times and places for holding the courts of the sixth judicial circuit, No. 4.

In which amendment and bill they respectfully request the concurrence of the House of Delegates.

No. 13. House bill was placed on the calendar, the rule having been suspended, on motion of Mr. ANDERSON of *Rockbridge*, requiring its reference to a committee.

No. 64. Senate bill was read twice, and referred to the committee on schools and colleges.

A. T. MOOKLAR, delegate elect from the county of King William, was sworn in by the clerk.

No. 61. House engrossed bill for the relief of John McClure, heretofore recommitted to the committee on finance, was reported back.

No. 31. House engrossed bill for the relief of the tax-payers of Alleghany county, heretofore recommitted to the committee on finance, was reported back with amendments.

No. 48. House engrossed bill to pay the claims of citizens of Virginia wounded and maimed during the late war, heretofore recommitted to the committee on finance, was reported back with an amendment.

No. 60. Senate bill entitled an act to divide the county of Dickenson into two revenue districts, was reported from the committee on counties, cities and towns.

The following House bills, reported from the committee on counties, cities, and towns, were read a first time:

No. 83. House bill to provide for working the public roads in the county of Henry.

No. 84. House bill to amend and re-enact section 28 of an act

approved March 8, 1884, entitled an act to provide for the working and repairing of public roads and bridges.

No. 85. House bill to change the name of Foster's Store voting precinct in Culpeper county, to that of Richardsville voting precinct.

No. 86. House bill to amend chapter 564 of Acts of Assembly 1883-4, entitled an act authorizing the board of supervisors of the county of Norfolk, to levy a tax of ten cents on every hundred dollars valuation of real and personal property for road purposes.

No. 87. House bill to incorporate the town of Boykins.

No. 88. House bill to incorporate the town of Lynch's Station in the county of Campbell.

The following House bills, reported from the committee on schools and colleges, were read a first time:

No. 89. House bill to regulate the compensation of the clerk of the county and district school boards of Norfolk county.

No. 90. House bill to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to secure to tax-payers in cities and towns the right of public school education, approved March 17, 1884.

No. 91. House bill to incorporate the Southwest Virginia institute.

The following House bills, reported from the committee on finance, were read a first time:

No. 92. House bill to amend and re-enact section 1 of an act approved March 6, 1882, entitled an act to amend and re-enact section 1 of an act approved March 12, 1878, entitled an act to amend and re-enact certain sections of the Code of 1873, and certain acts of assembly amendatory thereof, and other acts of assembly in relation to the salaries of certain officers of the government and their employees, compensation of members and officers of the General Assembly, mileage, and other allowances, to define the salaries of certain officers, and to repeal chapter 153 of the Acts of 1874, and section 27 of chapter 16, and sections 2, 4, and 5 of chapter 161, and sections 5, 16, and 24 of chapter 13 of the Code of 1873, and all other acts or parts of acts in conflict.

No. 93. House bill authorizing the auditor of public accounts to adjust and compromise the claim of the commonwealth against Charles W. McClaugherty, late sheriff of Giles county, and his sureties.

No. 94. House bill to extend the time for imposing the penalty of five per centum for non-payment of taxes for the second assessor's district of Norfolk county.

No. 95. House bill to amend and re-enact section 39 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884.

No. 96. House bill to refund to Giles Crowder and Sydney Gresham, the sum of fifty dollars, in the hands of the treasurer of King & Queen county, paid by them as sureties for Beverly Washington on a forfeited recognizance.

The following House bills reported from the committee on Chesapeake and its tributaries, were read a first time:

No. 97. House bill for the protection of fish in the waters of the commonwealth above tide-water.

No. 98. House bill to prohibit the board of supervisors in each of the counties bordering on the bays, rivers, and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes; to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake, and to prevent a double tax on oysters transported to market on steam vessels.

No. 99. House bill to increase the usefulness of the department of agriculture, mining, and manufacturing, reported from the committee on agriculture, mining, and manufacturing, was read a first time.

Mr. FITZPATRICK offered the following resolution:

Resolved, That the special committee appointed to report upon the amounts received by Attorney-General F. S. Blair in addition to his salary by law, be and they are hereby authorized to employ a stenographer to facilitate their said investigations—

Which was agreed to.

No. 69. Senate bill entitled an act requiring the officers in charge of the public institutions which draw appropriations from the state, to make quarterly fiscal reports to the board of public works, was reported from the committee on finance, with an amendment.

Mr. ROSLER, under a suspension of the rule, presented

No. 100. House bill extending the time for the payment of taxes for the year 1884 in Essex county; which was read a first time.

Mr. VAUGHAN of *Goochland*, presented

No. 101. House bill for the relief of Wm. H. McBride, of Goochland county; which was read a first time.

Mr. MUSTARD of *Tazewell*, under a suspension of the rule, presented

No. 102. House bill to declare Mud Fork, in the county of Tazewell, navigable for a certain distance; which was read a first time.

Mr. ELLIS, under a suspension of the rule, presented

No. 103. House bill to incorporate the Danbury and Parkersburg railroad company; which was read a first time.

Mr. OPIE, under a suspension of the rule, presented

No. 104. House bill to amend section 23 of the election laws; which was read a first time.

The following were presented and referred under rule 37:

By Mr. VAUGHAN of *Goochland*: A bill to increase the pay of commissioners of the revenue. Referred to the committee on finance.

By Mr. OPIE: A bill to amend the registration laws. Referred to the committee of privileges and elections.

By Mr. WARD: A bill in regard to the pay of commissioners of the revenue. Referred to the committee on finance.

By Mr. RYAN: A bill to allow compensation to the district school trustees of the county of Loudoun. Referred to the committee on schools and colleges.

By Mr. McLIN: A bill for the relief of William L. Sprinkle from fines. Referred to the committee on finance.

By Mr. ECHOLS: A bill to amend and re-enact section 10 of an act approved April 21, 1882, entitled an act prescribing general provisions in relation to commissioners of the revenue, and the assessment of taxes on persons, property, incomes, licenses, &c. Referred to the committee on finance.

By Mr. JONES: A bill to empower the board of supervisors of Bath county, to repair a part of the Warm Springs and Huntersville turnpike road. Referred to the committee on roads and internal navigation.

Petition of citizens of Bath county, in relation to repair of Warm Springs and Huntersville turnpike road. Referred to the committee on roads and internal navigation.

By Mr. EVANS of *Richmond city*: A bill to incorporate the Old Dominion accident, insurance and guarantee company. Referred to the committee of propositions and grievances.

By Mr. TRIGG: A bill for the relief of W. T. Graham. Referred to the committee on finance.

By Mr. FITZPATRICK:

Resolved, That the rules of the House be so amended as to add to the committees now authorized, one to be known as the "committee on accounts," and for the said purpose, the following section be inserted in said rules as section 16½:

16½. Also a standing committee of five to be called the "committee on accounts." It shall be the duty of this committee, during every regular session of the General Assembly, to examine in detail, the accounts of the recording and disbursing officers in the basement of the capitol, compare the vouchers therewith, and report the result thereof to the House during said sessions. Referred to the committee on rules.

By Mr. SMITH: A bill to amend and re-enact section 9 of chapter 7 of Code of 1873, in relation to registration of voters. Referred to the committee of privileges and elections.

Leave of absence was granted Messrs. HARRISON and PAXTON two days each, and indefinite leave to Mr. ROSLER.

The resolution heretofore offered by Mr. OPIE, as follows:

Resolved, That the Speaker of the House be requested to send the following telegram to Grover Cleveland: "The House of Delegates of Virginia now in session, congratulate you and the country upon your election to the presidency of the United States, and upon

the peace and good order which has prevailed throughout the Republic"—

Unfinished business of the morning hour came up.

The question being on agreeing to the motion by Mr. OPIE, to reconsider the vote by the House referred the resolution to a committee,

On motion of Mr. GRAVES, the resolution was passed by.

The morning hour having expired, the House proceeded to the consideration of business on the calendar.

No. 57. House engrossed bill to provide for the restoration of certain records in the clerk's office of the county court of Rockingham county, was, on motion of Mr. GRATTAN, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. GRATTAN carry the bill to the Senate, and request their concurrence.

No. 61. House bill for the relief of John McClure, was, on motion of Mr. CAMPER, taken up out of its order on the calendar.

The bill was ordered to be engrossed to be read a third time.

No. 82. House bill to provide for a new registration for the city of Portsmouth, was, on motion of Mr. PORTER, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 69. House bill to amend and re-enact an act entitled an act directing the board of visitors of the Virginia military institute to be vacated, and the appointment of a new board, approved March 3, 1882, was, on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 12. House bill to authorize the board of supervisors of Fauquier county to increase the salary of the county judge of said county, was, on motion of Mr. SMITH, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 70. House bill to provide an increase of the district school funds of Hiwassee district, of the county of Pulaski, was, on motion of Mr. DARST, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 53. House bill to authorize the receiver in the case of the Holmes Presbyterian church, Northampton county versus the New York, Philadelphia and Norfolk railroad company, to pay money to

the trustees of said church, was, on motion of Mr. WILKINS, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 75. House bill to provide the manner in which the Nelson improvement company may obtain a license to operate its telephone, and fix the amount to be paid therefor, was, on motion of Mr. FITZPATRICK, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 72. House bill in relation to the school fund of Charlotte county, was, on motion of Mr. OVERBY, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 13. House engrossed bill to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county, came up.

The amendment of the Senate was agreed to.

Mr. PAXTON moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was rejected.

No. 42. Senate bill entitled an act to amend and re-enact section 4 of chapter 182 of the Code, as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens, was read a third time and passed.

The amendment to the title proposed by the committee for courts of justice, was agreed to.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 53. Senate bill entitled an act for the compensation of W. W. Wood of Mecklenburg county, was, on motion of Mr. GIBSON, passed by.

No. 60. Senate bill entitled an act to divide the county of Dickenson into two revenue districts, was read a third time and passed.

No. 69. Senate bill entitled an act requiring the officers in charge of the public institutions which draw appropriations from the state, to make quarterly fiscal reports to the board of public works.

The amendment proposed by the committee on finance as follows: Strike out the words "shall vacate their respective offices," and insert the words "shall be guilty of a misdemeanor, and subjected to a fine of not less than \$100, nor more than \$500"—

Was agreed to.

The bill was ordered to its third reading.

No. 42. House engrossed bill to amend and re-enact an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county, was read a third time and passed.



On motion of Mr. ECHOLS, the title was amended so as to read as follows:

"To amend and re-enact section 10 of an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county."

Mr. ECHOLS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 17. House bill to amend the act incorporating the Lynchburg and Southwestern railroad company, was read a second time.

Mr. LEFTWICH offered a substitute, which was agreed to.

The bill as amended, was ordered to be engrossed to be read a third time.

No. 39. House bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan, and Goochland, as relates to the county of Powhatan, and to apply the general law to the said county, was, on motion of Mr. BAKER, passed by.

No. 41. House bill to provide for the working of the roads in the county of Chesterfield, was, on motion of Mr. BAKER, passed by.

No. 43. House bill to amend and re-enact section 25 of chapter 58 of the Code of 1873, in regard to in what banks the moneys of the state is to be kept, was, on motion of Mr. GIBSON, passed by.

No. 44. House bill to regulate the payment of fees to jailors, was, on motion of Mr. GIBSON, passed by.

The SPEAKER laid before the House a communication from the auditor of public accounts, in response to a resolution of the House, in relation to the railroads which are exempt from taxation; which was referred to the committee on roads and internal navigation.

The SPEAKER laid before the House a communication from the auditor of public accounts, in response to a resolution of the House, in regard to commutation to maimed soldiers; which was referred to the committee on finance.

No. 45. House bill appropriating \$9,500 to furnish water and purchase fire apparatus for the Eastern lunatic asylum, was, on motion of Mr. ECHOLS, passed by.

No. 73. House bill for the relief of the Shenandoah Valley Agricultural society, was, on motion of Mr. Meade of *Clarke*, passed by.

No. 78. House bill to repeal sections 106 and 107 of chapter 1 of an act passed March 15, 1884, relating to the assessment of taxes upon persons and property, &c., was, on motion of Mr. MEADE of *Clarke*, passed by.

No. 49. House joint resolution to relieve R. J. Caldwell from the payment of a fine, was, on motion of Mr. TRIGG, dismissed.

No. 54. House joint resolution authorizing the governor to loan certain portraits to the New Orleans Exposition, was, on motion of Mr. BANKS, dismissed.

The following bills were read a second time and ordered to be engrossed to be read a third time:

No. 47. House bill to amend and re-enact sections 2 and 3 of an

act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884.

No. 60. House bill for the protection of cotton planters of the state of Virginia.

No. 62. House bill to authorize the trustees of certain church property of Louisa county to sell the same, &c.

No. 63. House bill to amend and re-enact the 1st section of an act approved February 15, 1879, entitled an act providing for the rebinding of books of record.

No. 64. House bill to authorize county surveyors to administer oaths and affirmations.

No. 65. House bill to amend and re-enact an act to provide for a general index to deeds, wills and fiduciary accounts, approved March 29, 1877.

No. 66. House bill to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against or notice to a corporation.

No. 67. House bill to amend an act entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerks of circuit courts, in force March 17, 1884. (Amended on motion of Mr. PETERS so as to include county of Henry.)

No. 68. House bill to prescribe the times for holding the courts in the ninth judicial district.

No. 71. House bill to amend and re-enact section 6 of chapter 80 of the Code of 1873, in reference to the powers and duties of the boards of visitors to the University of Virginia.

No. 74. House bill substituting a board of railroad commissioners for the present railroad commissioners of the state, and defining the duties and powers of such board, and repealing the act of March 31, 1877, in reference to said commissioner.

No. 77. House bill to allow D. E. Bass, late treasurer of Campbell county, further time to return lists of insolvents and delinquents.

No. 79. House bill for the relief of the estate of C. H. Lynch, of Campbell county, Virginia.

No. 80. House bill to incorporate the town of Stuart, in the county of Patrick.

No. 81. House bill to amend and re-enact section 18 of an act to amend and re-enact the charter of the town of North Danville, approved March 7, 1884.

No. 76. House bill to amend and re-enact an act approved January 28, 1884, for the relief of A. N. Finks, of Madison county, was read a second time, and the question being on ordering the bill to be engrossed, was put, and decided in the negative.

A message was received from the Senate, by the first assistant clerk, who informed the House of Delegates that the Senate had passed House engrossed bill entitled an act to remove the political disabilities of George W. Gunnell, Richard B. Tyler and others, No. 56, with an amendment; in which they respectfully request the concurrence of the House.



The SPEAKER laid the bill before the House.

The bill was placed on the calendar, the rule having been suspended, on motion of Mr. STUART, requiring its reference to a committee.

The amendment of the Senate was agreed to.

Mr. STUART moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was rejected.

On motion of Mr. PETERS, the House adjourned.

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THURSDAY, NOVEMBER 13, 1884.

On motion of Mr. GRAVES the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 12, 1884.*

The Senate have passed House bill entitled an act to provide for the display of Virginia's resources in World's industrial and cotton centennial exposition at New Orleans, No. 55.

They have agreed to House joint resolution requesting the special joint committee to examine the lunatic asylums of the state to report certain bills.

They have passed Senate bills entitled an act for the relief of Swinfield Stanley, late sheriff of Henry county and his sureties, No. 108; an act to regulate the licensing of teachers in public free schools, No. 65; an act authorizing the mayor and common council of the town of Liberty, Va., to borrow for said corporation, and for the purposes of purchasing fire engines and any and all other apparatus suitable for extinguishing fires and of bringing water to and establishing water-works in said town, and making other permanent improvements, a sum of money not exceeding forty thousand dollars, No. 85; and an act to amend and re-enact section 2 of chapter 2 of an act entitled an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, No. 52; in which bills they respectfully request the concurrence of the House of Delegates.

No. 52. Senate bill, was read twice and referred to the committee on finance.

No. 65. Senate bill, was read twice and referred to the committee on schools and colleges.

No. 85. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. GRAVES, requiring its reference to a committee.

No. 108, Senate bill, was read twice and referred to the committee on finance.

A message was received from the Senate by the first assistant clerk of the Senate, who informed the House that the Senate had agreed to a resolution, as follows:

Resolved, That the House of Delegates be requested to return Senate bill No. 52, passed by the Senate on yesterday, and ordered to be communicated to the House—

In which they respectfully request the concurrence of the House.

The resolution was agreed to.

No. 51. House bill to authorize the Seaboard and Roanoke railroad company to invest in and operate railroad and transportation lines in this and in other states, heretofore recommitted to the committee on roads and internal navigation, was reported back with an amendment.

No. 3. House engrossed bill entitled an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, heretofore recommitted to the committee on finance, was reported back with amendments to the substitute of the Senate.

No. 49. Senate bill entitled an act in relation to the increase of the compensation of the clerk of Greenville and other counties, was reported from the committee for courts of justice, with amendments.

No. 35. House engrossed bill to amend and re-enact sections 2, 7, 9, 18, 20, 22 and 24 of chapter 1 of an act entitled an act for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885, heretofore recommitted to the committee on finance, was reported from the committee on finance with amendments.

No. 105. House bill to authorize the Richmond and Danville railroad company to invest in and operate railroad and transportation lines in this and other states, reported from the committee on roads and internal navigation, was read a first time.

No. 106. House bill to incorporate the Exchange bank of Floyd county, reported from the committee on banks, currency and commerce, was read a first time.

The following House bills, reported from the committee for courts of justice, were read a first time:

No. 107. House bill to amend and re-enact section 1 of an act approved February 25, 1884, entitled an act to allow mileage to jurors.

No. 108. House bill to amend section 53, chapter 167 of Code of 1873, as amended by an act approved February 12, 1884, in relation to orders and decrees.

No. 109. House bill to amend and re-enact an act entitled an act to amend and re-enact sections 4 and 5 of chapter 115, Code of 1873, as amended by an act approved March 31, 1875, and an act approved February 10, 1880, and an act approved March 17, 1884, relating to mechanics' liens.

No. 110. House bill to repeal an act entitled an act authorizing a review by the county court of the decisions of justices of the peace in cases of misdemeanors, approved March 31, 1875.

The following House bills, reported from the committee on finance, were read a first time:

No. 111. House bill for the relief of John W. Richardson, treasurer of Smyth county.

No. 112. House bill for the relief of R. Smith, W. E. Peery, W. P. Cecil, James Thompson, James Harrison, H. R. Boyle, H. S. Bowers, J. R. Whitten, and W. W. Harrison, sureties of John Thompson, late sheriff of Tazewell county.

No. 113. House bill to amend and re-enact section 1 of an act entitled an act in regard to repeal of fence law in the county Brunswick, approved March 10, 1884, reported from the committee on counties, cities, and towns, was read a first time.

No. 114. House bill to incorporate Old Dominion accident insurance and guarantee company; reported from the committee of propositions and grievances, was read a first time.

Mr. BOLEN, under a suspension of the rule, presented

No. 115. House bill fixing the time for the holding of the circuit courts of the fifteenth judicial circuit, which was read a first time.

Mr. WINN, under a suspension of the rule, presented

No. 116. House bill for the relief of Mrs. Martha S. Slaughter, of the county of Charlotte, which was read a first time.

Mr. WINN, under a suspension of the rule, presented

No. 117. House bill providing local option for Lunenburg county.

Mr. WHITEHEAD, under a suspension of the rule, presented

No. 118. House bill to authorize the judge of the county court of Princess Anne to have the registration books copied, which was read a first time.

Mr. CHRISTIAN, under a suspension of the rule, presented

No. 119. House bill to incorporate the Bishop Payne divinity and industrial school in Virginia, which was read a first time.

Mr. HARRIS, under a suspension of the rule, presented

No. 120. House bill to amend and re-enact an act approved March 6, 1882, in reference to the fence law of Dinwiddie and Norfolk counties, which was read a first time.

Mr. FITZPATRICK, under a suspension of the rule, presented

No. 121. House bill to amend and re-enact section 1 of an act entitled an act for making and repairing division fences between co-terminous land owners in the counties of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved April 14, 1882, which was read a first time.

Leave of absence was granted Messrs. ANDERSON of *Rockbridge*, POWELL and HOBSON, two days each; CAMPER three days, and ELLIS five days.

The resolution heretofore offered by Mr. OPIE, as follows:

Resolved, That the Speaker of the House of Delegates be requested to send the following telegram to Grover Cleveland:

"The House of Delegates of Virginia, now in session, congratulate you and the country upon your election to the presidency of the United States, and upon the peace and good order which has prevailed throughout the republic"—

Unfinished business, came up.

The motion, by Mr. OPIE, to reconsider the vote by which the House referred the resolution to a committee, was agreed to.

The question recurring on referring the resolution to a committee, was put and decided in the affirmative.

The resolution was referred to the committee on federal relations and resolutions.

Mr. RYAN offered the following resolution:

Resolved, That the committee of privileges and elections be and are hereby instructed to report a bill having for its object the revision of the registration books in the several cities and counties of this state.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. BARTON offered the following resolution:

Resolved, That the committee for courts of justice be instructed to inquire and report whether, in their opinion, steps should be taken to remove Hon. F. S. Blair from the office of attorney-general, for malfeasance in the performance of the duties thereof; and if they are of the opinion that he should be removed, to report to this House the necessary proceedings therefor.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. GIBSON offered the following resolution:

Resolved, That five hundred copies of a paper communicated to the Senate by the second auditor, November 11, 1884, in relation to payment of taxes in coupons, &c., be printed for the use of the House.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. CHRISTIAN offered the following resolution:

Resolved, That the committee for courts of justice be instructed to inquire what changes are necessary in the registration laws to prevent voting in more than one county at the same election.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. CHAPMAN entered a motion to reconsider the vote by which the House refused to engross No. 76, House bill to amend and re-enact an act approved January 28, 1884, for the relief of A. N. Finks of Madison county.

The following were presented and referred under rule 37:

By Mr. EVANS of *Richmond city*: A bill in regard to the compensation of collector of taxes, &c. Referred to the committee on finance.

By Mr. BISHOP: A bill to incorporate the Iron, Copper and Western railroad company. Referred to the committee on roads and internal navigation.

By Mr. BISHOP: A bill for the relief of Samuel Sweeney and Elkanah Sweeney. Referred to the committee on finance.

By Mr. PETERS: A bill for the relief of William Jenkins of Henry county. Referred to the committee on finance.

By Mr. KELLY: A bill for the relief of the sureties of J. L. F. Campbell. Referred to the committee on finance.

By Mr. BOLEN: A bill for the relief of John W. Green and his deputies. Referred to the committee on finance.

By Mr. MEADE of *Clarke*: A bill to amend an act approved March 17, 1884, requiring railroad companies to construct cattle guards. Referred to the committee on roads and internal navigation.

By Mr. OVEBY: A bill for the relief of P. R. Ford's securities. Referred to the committee on finance.

By Mr. PORTER: A bill to amend and re-enact sections 2 and 7 of chapter 36 of Code of 1873, relating to the tax on collateral inheritance, as amended by an act approved March 18, 1884. Referred to the committee on finance.

By Mr. BOLEN: A bill to relieve Thomas Webb of certain fines. Referred to the committee on finance.

By Mr. STUART: A bill to regulate the practice of pharmacy in the state of Virginia. Referred to the committee of propositions and grievances.

By Mr. STUART: A bill to allow compensation to members of the Senate while sitting as a court of impeachment during a recess of the General Assembly. Referred to the committee for courts of justice.

By Mr. FITZPATRICK: A bill in relation to fences in Berkeley district in the county of Spotsylvania. Referred to the committee on counties, cities and towns.

By Mr. FITZPATRICK: A petition of citizens of Berkeley district in Spotsylvania county, asking a restoration of the fence law in said district. Referred to the committee on counties, cities and towns.

By Mr. MOON: A bill to empower the University of Virginia to contract a loan. Referred to the committee on schools and colleges.

By Mr. OPIE: A bill to make it lawful for persons to net partridges upon their own lands in the county of Augusta. Referred to the committee of propositions and grievances.

By Mr. WILKINS: Petition of citizens of Northampton county, asking the General Assembly of Virginia, to refund to S. T. Ames & Brother, the sum of seventy-one dollars and sixteen cents erroneously assessed against them by the county court. Referred to the committee on finance.

The following report was agreed to:

Your committee on asylums and prisons, in response to the following resolution:

Resolved, That the committee on asylums and prisons be and is hereby instructed to report by bill or otherwise, what, if any legislation is necessary in reference to the present management of the state charitable institutions—

Respectfully report that in their judgment it would be unwise, inexpedient and highly injurious to make any change or alteration whatsoever in the system or management of the charitable institutions in this state.

The morning hour having expired, the House proceeded to the consideration of the business on the calendar.

No. 48. House bill to pay the claims of citizens of Virginia wounded and maimed during the late war, came up.

The amendment proposed by the committee on finance as follows: Strike out "forty thousand," and insert "sixty-five thousand," was agreed to.

The bill, as amended, was ordered to be engrossed to be read a third time.

No. 31. House bill for the relief of the tax-payers of Alleghany, came up.

The amendment proposed by the committee on finance as follows: Strike out "15th day of September, 1884," and insert "1st January, 1885."

Strike out "first day of November, 1884," and insert "1st February, 1885."

Add at end of 1st section the following:

"And if said penalty has been added to said taxes, and paid by any of such tax-payers, the same shall be refunded to them respectively by the said treasurer"—

Was agreed to.

The bill, as amended, was ordered to be engrossed to be read a third time.

No. 3. House bill entitled an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter, came up.

The amendments proposed by the committee on finance to the substitute of the Senate, are as follows:

1. Section 1, line 2, strike out the words: "several boards of supervisors and the council of each city on or before the first day of January," and insert the following words: "several county and corporation courts and the hustings court of the city of Richmond at their April term, or as soon thereafter as practicable."

2. Section 1, lines 11 and 12, strike out the words "board of supervisors," and insert the words "county court."

3. Section 1, line 13, strike out the words "board of supervisors," and insert the words "county or corporation court, or the hustings court of the city of Richmond."

4. Section 1, line 17, strike out the words "board or council," and insert the word "court."

5. Section 10, page 7, strike out the word "five," and insert in lieu thereof the word "six."

6. Strike out the whole of section 5.

The first, second, third, and fourth amendments were disagreed to, and the fifth and sixth amendments were agreed to.

The substitute of the Senate as amended, was disagreed to.

Mr. STUART moved to reconsider the vote by which the House disagreed to the substitute of the Senate; which motion was rejected.

Ordered, That Mr. POLLARD inform the Senate that the House had disagreed to the substitute of the Senate.

No. 53. Senate bill entitled an act for the compensation of W. W. Wood, of Mecklenburg county, came up.

The bill was read a third time and passed—yeas 55; nays 3.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Banks, Bishop, Bolen, Burks, Chapman, Crockett, Darst, Dunlop, Echols, Fitzpatrick, Gibson, Grattan, Graves, Harris, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Mays, David Meade, Moffett, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Opie, Overby, Parker, Peters, Pollard, Porter, Powell, Pretlow, Richardson, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, White, and Whitehead—55.

NAYS—Messrs. Hazlewood, Scott, and Wheeler—3.

Mr. MOOREFIELD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 84. House bill to amend and re-enact section 28 of an act approved March 8, 1884, entitled an act to provide for the working and repairing of public roads and bridges, was, on motion of Mr. CHAPMAN, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 72. House engrossed bill in relation to the school fund of Charlotte, was, on motion of Mr. MOOREFIELD, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. MOOREFIELD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 82. House bill to provide for a new registration for the city of Portsmouth, was, on motion of Mr. PORTER, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. PORTER moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. PORTER carry the bill to the Senate and request their concurrence.

No. 73. House bill for the relief of the Shenandoah valley agricultural society, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The bill was read a second time.

On motions severally made by Messrs. RYAN, POLLARD, GIBSON, MOON, PRETLOW and DARST, the bill was amended.

The bill was ordered to be engrossed to be read a third time.

A message was received from the Senate by the first assistant clerk of the Senate, who informed the House that the Senate had passed Senate bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3, chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, No. 103; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was read twice and referred to the committee for courts of justice.

Mr. WINN moved that No. 116, House bill for the relief of Mrs. Martha S. Slaughter, of the county of Charlotte, be read a second time this day; which was agreed to—two-thirds in the House so determining.

The bill was read a second time, and ordered to be engrossed to be read a third time.

On motion of Mr. POLLARD, the House proceeded to the consideration of House engrossed bills.

The following House bills were read a third time and passed:

No. 69. House engrossed bill to amend and re-enact an act entitled an act directing the board of visitors of the Virginia military institute to be vacated, and the appointment of a new board, approved March 3, 1882—yeas 48; nays 14.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

YEAS—Messrs. Speaker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Grattan, Graves, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield, Munford, Opie, Overby, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Ward, Wescott, Wilkins, Winn, and Whitehead—48.

NAYS—Messrs. Banks, Bishop, Gee, Armistead Green, Hazlewood, McCandlish, McLin, S. P. Mustard, W. G. Mustard, Parker, Richardson, Scott, Wheeler, and White—14.

Mr. OPIE moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 63. House engrossed bill to amend and re-enact the first section of an act approved February 15, 1879, entitled an act providing for the rebinding of books of record.

No. 12. House engrossed bill to authorize the board of supervisors of Fauquier county to increase the salary of the county judge of said county.

Mr. STRIBLING moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 61. House engrossed bill for the relief of John McClure—yeas 59.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, Baker, Banks, Bishop, Bolen, Cardwell, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Fitzpatrick, Gee, Gibson, Armistead Green, Harris, Hazlewood, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, McLin, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Peters, Porter, Powell, Pretlow, Richardson, Robertson, Scott, Seay, Smith, Soule, Stribling, Tabb, Trigg, Ward, Wescott, Wilkins, Winn, White, and Whitehead—59.

Mr. EVANS of *Middlesex*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 47. House engrossed bill to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Vir-

ginia, approved March 18, 1884, was read a third time and rejected—year 48; nays 16.

The vote required by the constitution, was recorded as follows :

**YEAS**—Messrs. Speaker, Baker, Bolen, Burke, Cardwell, Chapman, Christian, Crockett, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Grattan, Graves, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, David Meade, Moffett, Moon, Moorefield, Munford, Opie, Overby, Peters, Pollard, Porter, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, Ward, Wescott, Wilkins, and Whitehead—48.

**NAYS**—Messrs. Barton, Bishop, Curtis, Gee, Armistead Green, Harris, McCandlish, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Richardson, Scott, Winn, Wheeler, and White—16.

Mr. BARTON moved to reconsider the vote by which the bill was rejected.

Mr. GRAVES moved to pass by the motion; which was agreed to.

Mr. MOON moved to reconsider the vote by which House bill No. 71, to amend and re-enact section 6 of chapter 80 of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia, was ordered to its engrossment; which motion was agreed to.

Mr. MOON moved to amend the bill by adding an independent section, as follows:

“All proceedings heretofore had before any court or in any clerk’s office, and all contracts heretofore entered into for acquiring land by condemnation or purchase for any of the purposes mentioned in the preceding section, are hereby confirmed and made valid.”

The bill was ordered to be engrossed.

On motion of Mr. WINN, the House adjourned.

## FRIDAY, NOVEMBER 14, 1884.

On motion of Mr. ECHOLS, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 13, 1884.*

The Senate have passed House bill entitled an act to provide for the restoration of certain records in the clerk’s office of the county court of Rockingham county, No. 57.

And they have passed Senate bill entitled an act to amend and re-enact section 4 of an act entitled an act to provide for working and keeping the public roads in order in Clarke county, approved February 17, 1877, No. 106; in which bill they respectfully request the concurrence of the House of Delegates.

No. 106. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. MEADE of *Clarke*, requiring its reference to a committee.

No. 103. Senate bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40 and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, was reported from the committee for courts of justice, with amendments.

No. 108. Senate bill entitled an act for the relief of Swinfield Stanley, late sheriff of Henry county, and his sureties, was reported from the committee on finance, with a substitute.

The following House bills, reported from the committee for courts of justice, were read a first time:

No. 122. House bill to provide compensation to the clerks of county and corporation courts for making records of delinquent lands and receiving payment of taxes on same.

No. 123. House bill exempting farmers from jury service during cutting or curing tobacco.

The following House bills, reported from the committee on counties, cities and towns, were read a first time:

No. 124. House bill in relation to fences in Berkeley district, in the county of Spotsylvania.

No. 125. House bill to incorporate the town of Orkney Springs, in the county of Shenandoah.

The following House bills, reported from the committee on finance, were read a first time:

No. 126. House bill to amend and re-enact sections 2 and 7, chap-

ter 36, Code of 1873, relating to the tax on collateral inheritance, as amended by an act approved March 18, 1884.

No. 127. House bill for the relief of sureties of J. L. F. Campbell.

No. 128. House bill for the relief of William L. Sprinkle from fines, with the recommendation it do not pass.

No. 129. House bill for the relief of John W. Green and his deputies.

The following House bills, reported from the committee on roads and internal navigation, were read a first time:

No. 130. House bill to empower the board of supervisors of Bath county to repair a part of the Warm Springs and Huntersville turn-pike road.

No. 131. House bill to amend an act approved March 17, 1884, requiring railroad companies to construct cattle-guards.

No. 132. House bill to amend and re-enact sections 13 and 48 of an act entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them from the waters of the commonwealth, reported from the committee on Chesapeake and its tributaries, was read a first time.

No. 37. House joint resolution authorizing the governor of Virginia to pay George H. Bagwell for services rendered, establishing boundary lines between Virginia and Maryland, heretofore recommended to the committee on Chesapeake and its tributaries, was reported back.

Leave of absence was granted Messrs. BAKER and VAUGHAN of *Goochland* one day each; LOVING, TABB, MUNFORD, DODSON and GEE two days each; GRIGGS, KELLY and PARKER three days each; and indefinite leave for Mr. DUNN.

Mr. ECHOLS offered the following resolution:

Resolved, That the use of the hall of the House of Delegates be granted to Mr. Jed. Hotchkiss, United States commissioner in charge of the mineral exhibit at New Orleans, at 4 P. M., to-day, for the purpose of calling the attention of the members of the General Assembly to what has been already done in the way of a collection of the mineral wealth of Virginia for exhibition at New Orleans, and of indicating what may be done in each county of the commonwealth to largely increase the value of this collection—

Which was agreed to.

Mr. SMITH, under a suspension of the rule, offered the following resolution:

Resolved, That the governor be requested to inform the House what proceedings he has instituted, if any, under the resolution of the House, adopted March 19, 1884, in reference to Old Point Comfort.

The resolution was agreed to.

Mr. TRIGG, under a suspension of the rule, presented

No. 133. House bill to amend an act entitled an act to incorporate the Grand Lodge of the Sons of Zion benevolent society of Virginia, approved February 9, 1882; which was read a first time.

Mr. WILKINS, under a suspension of the rule, presented No. 134. House bill to subject to the qualified voters of Northampton county, the question of abolishing the present fence law in said county; which was read a first time.

The following were presented and referred under rule 37:

By Mr. OPIE: Petition of citizens of Waynesboro', Augusta county, relating to local option. Referred to the committee on finance.

By Mr. WHITEHEAD: A bill for the protection of fish in Back bay in Princess Anne county, Virginia. Referred to the committee on the Chesapeake and its tributaries.

By Mr. BOLEN: A bill to amend and re-enact section 41 of chapter 172 of the Code of 1873, relating to pay of witnesses. Referred to the committee for courts of justice.

By Mr. KEEN: A bill to amend and re-enact section 7, chapter 161, Code of 1873, in relation to pay of commonwealth's attorneys. Referred to the committee for courts of justice.

By Mr. CHRISTIAN: A bill to incorporate the Powhatan oyster company, and to grant it certain privileges. Referred to the committee on the Chesapeake and its tributaries.

A message was received from the Senate by their clerk, who informed the House of Delegates, that the Senate had agreed to the following concurrent resolution:

Resolved (the House of Delegates concurring), That a committee of conference to consist of two on the part of Senate, and three on the part of the House, be appointed to consider the disagreeing votes of the two houses on House bill No. 3, entitled an act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter; in which they respectfully request the concurrence of the House.

The resolution was agreed to.

The SPEAKER appointed Messrs. GIBSON, LAWSON and OVERBY, the committee on the part of the House.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 98. House bill to prohibit the board of supervisors in each of the counties bordering on the bays, rivers, and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes; to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake; and to prevent a double tax on oysters transported to market on steam vessels, was on motion of Mr. EVANS of *Middlesex*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 106. Senate bill entitled an act to amend and re-enact section 4 of an act entitled an act to provide for working and keeping the public roads in order in Clarke county, approved February 17, 1877,

was on motion Mr. MEADE of *Clarke*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. MEADE of *Clarke*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 116. House bill for the relief of R. Smith, W. E. Peery, W. P. Cecil, James Thompson, Joseph Harrison, H. R. Bogle, H. S. Bowen, J. R. Whitten and W. W. Harmon, sureties of John Thompson, late sheriff of Tazewell county, was on motion of Mr. MUSTARD of *Tazewell*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 114. House bill to incorporate the Old Dominion accident insurance and guarantee company, was on motion of Mr. EVANS of *Richmond city*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

\* The motion made by Mr. BARTON, to reconsider the vote by which No. 47, House engrossed bill to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884, was rejected, was agreed to.

The question recurring on the passage of the bill, was put, and decided in the affirmative—yeas 54; nays 13.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Grattan, Graves, Harris, Hazlewood, Jones, Keen, Lawson, Leftwich, Loving, Luttrell, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Peters, Pollard, Porter, Pretlow, Richardson, Robertson, Ryan, Scott, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Wheeler, and Whitehead—54.

NAYS—Messrs. Banks, Bishop, Curtis, Kelly, McCandlish, McLin, Mooklar, S. P. Mustard, Nance, Parker, John W. Vaughan, Winn, and White—13

The motion entered by Mr. CHAPMAN, to reconsider the vote by which the House refused to engross No. 76, House bill to amend and re-enact an act approved January 25, 1884, for the relief of A. N. Finks, of Madison county, was agreed to.

The question recurring on ordering the bill to be engrossed to be read a third time, was put and decided in the affirmative.

No. 69. Senate bill entitled an act requiring the officers in charge of the public institutions which draw appropriations from the state to make quarterly fiscal reports to the board of public works, was read a third time and passed.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 85. Senate bill entitled an act authorizing the mayor and common council of the town of Liberty, Virginia, to borrow for said corporation and for the purposes of purchasing fire-engines and any and all other apparatus suitable for extinguishing fires, and

establishing water-works in said town and making other permanent improvements, a sum of money not exceeding forty thousand dollars, was read a third time and passed.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 49. Senate bill entitled an act in relation to an increase of the compensation of the clerk of Greenville and other counties, came up.

The amendments proposed by the committee for courts of justice to insert the word "Montgomery," was agreed to.

On motion of Mr. HARRIS, the word "Dinwiddie" was inserted.

The bill was ordered to its third reading.

No. 103, Senate bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-73, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, came up.

The amendments proposed by the committee for courts of justice, as follows:

Page 1, line 6, after the words "and at," insert the words: "its session commencing in December, 1887, and at."

Page 1, line 7, strike out the word "hereafter," and insert the word "thereafter."

Page 1, at end of section 1, insert the following: "The oath prescribed by this section may be taken before any person qualified to administer oaths in their respective cities or counties, and when so taken and subscribed, it shall be filed in the office of the clerk of the county court or of the hustings court in a city, as the case may be."

Page 8, line 7, strike out the word "who," and insert the words "which said judges."

Page 6, line 2, strike out the word "determine," and insert the words "ascertain from the returns."

Page 6, line 4, strike out the words "such determination," and insert the words "and the result."

Page 6, line 6, after the word "commissioners," insert the words "present and."

Page 8, line 15, strike out the words "or judge of election."

Page 9, lines 12 and 13, strike out the words "they failing to act," and insert the words "upon their failure to act."

Page 10, line 5, strike out the words "one dollar," and insert the words "two dollars."

Page 10, line 6, strike out the word "five," and insert the word "ten."

Page 10, line 14, after the word "acts," insert the words "and parts of acts."

Page 11, line 8, strike out the words "lawful for," and insert the words "duty of."

Page 11, line 9, after the word "city," insert the following: "upon the application in writing of any five qualified voters of said county or city."

As section 15, insert the following:

"15. The said board shall provide for a new registration of voters whenever in their opinion the same may have become necessary by the loss or destruction of the registration books, and in that case the registrar shall give notice by printed hand-bills posted in at least five places in the election district, at least ten days before the day of registration, of the time and place of registration, and shall set five days at the voting precinct for which the registration is to be made, for the purpose of registering all legally qualified voters who may apply for registration. And in any case in which the registration books may become so mutilated as in the judgment of said board to render it proper that the same should be copied, the said board is authorized to order the same to be done, and in that case the old books shall be filed and preserved in the office of the registrar as the other books are kept."

Change number of 15th section to 16—

Was agreed to.

The bill was ordered to its third reading—yeas 52; nays 16.

On motion of Mr. BANKS, the vote was recorded as follows:

**YEAS**—Messrs. Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Fitzpatrick, Gibson, Grattan, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Mays, David Meade, Moffett, Moon, Moorefield, Munford, Noblin, Opie, Overby, Peters, Pollard, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—52.

**NAYS**—Messrs. Banks, Bishop, Gee, Harris, Hazlewood, McCandlish, McLin, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Scott, Wheeler, and White—16.

Mr. POLLARD moved that No. 35, House bill to amend and re-enact sections 2, 7, 9, 18, 20, 22 and 24 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885, be taken up, out of its order on the calendar; which motion was rejected—yeas 42; nays 23—not two-thirds voting in the affirmative.

On motion of Mr. POLLARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, Banks, Burks, Chapman, Crockett, Echols, A. Browne Evans, Grattan, Graves, Harris, Hazlewood, Keen, Kelly, Lawson, Leftwich, Leigh, Luttrell, McCandlish, McLin, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Overby, Parker, Peters, Pollard, Pretlow, Richardson, Robertson, Soule, Tabb, Trigg, John W. Vaughan, Wescott, White, and Whitehead—42.

**NAYS**—Messrs. Barton, Bishop, Bolen, Cardwell, Christian, Curtis, Darst, Dunlop, Thomas J. Evans, Fitzpatrick, Gibson, Jones, Loving, Porter, Scott, Seay, Smith, Stribling, R. F. Vaughan, Ward, Wilkins, Winn, and Wheeler—28.

No. 108. Senate bill entitled an act for the relief of Swinfield Stanley, late sheriff of Henry county, and his sureties, came up.

The substitute proposed by the committee on finance was agreed to.

The bill was ordered to its third reading.

The following House engrossed bills were read a third time and passed:

No. 48. House engrossed bill to pay the claims of citizens of Virginia, wounded and maimed during the late war—yeas 57.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, Banks, Bishop, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, A. Browne Evans, Fitzpatrick, Gibson, Graves, Hazlewood, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, McLin, David Meade, Moffett, Mooklar, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Parker, Peters, Pollard, Porter, Pretlow, Richardson, Robertson, Scott, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—57.

Mr. POLLARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 31. House engrossed bill for the relief of the tax-payers of Alleghany county—yeas 54; nays 1.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, Banks, Barton, Bishop, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Grattan, Graves, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, McLin, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield,

Munford, S. P. Mustard, W. G. Mustard, Noblin, Peters, Pollard, Richardson, Ryan, Scott, Seay, Smith, Soule, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, White, and Whitehead—54.

NAYS—Mr. Stribling—1.

Mr. JONES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 84. House engrossed bill to amend and re-enact section 28 of an act approved March 8, 1884, entitled an act to provide for the working and repairing of public roads and bridges.

Mr. CHAPMAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. CHAPMAN carry the bill to the Senate, and request their concurrence.

No. 71. House engrossed bill to amend and re-enact section 6 of chapter 80 of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia.

Mr. MOON moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 64. House engrossed bill to authorize county surveyors to administer oaths and affirmations.

No. 67. House engrossed bill to amend an act entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerk of circuit courts, in force March 17, 1884.

Mr. MOON moved to reconsider the votes by which the bills were passed; which motion was rejected.

No. 81. House engrossed bill to amend and re-enact section 18 of an act to amend and re-enact the charter of the town of North Danville, approved March 7, 1884.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 62. House engrossed bill to authorize James D. Campbell and others, the trustees in whom is vested the legal title to the track of land in Louisa county, held by them as a manse for the use of the Providence church, to sell and convey the said manse.

Mr. VAUGHAN of *Goochland*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 73. House engrossed bill for the relief of the Shenandoah Valley agricultural society, was read a third time and rejected—yeas 39; nays 17.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, Banks, Barton, Bishop, Bolen, Cardwell, Chapman, Dunlop, A. Browne Evans, Thomas J. Evans, Gee, Harris, Hazlewood, Jones, Keen, Lawson, Leftwich, Luttrell, David Meade, Moffett, Moon, Moorefield, Munford, Peters, Pollard, Pretlow, Richardson, Robertson, Ryan, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—39.

NAYS—Messrs. Burks, Crockett, Echols, Fitzpatrick, Gibson, Grattan, Graves, Leigh, Loving, McCandlish, McLin, Mays, Mooklar, S. P. Mustard, John W. Vaughan, Winn, and White—17.

Mr. ECHOLS moved to reconsider the vote by which the bill was rejected.

On motion of Mr. BARTON, the motion to reconsider was passed by.

Mr. HAZLEWOOD moved that the House do now adjourn; which motion was rejected—yeas 14; nays 39.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. Barton, Burks, Cardwell, Christian, Gee, Graves, Hazlewood, Jones, Luttrell, McCandlish, McLin, S. P. Mustard, Peters, and Robertson—14.

NAYS—Messrs. Speaker, Banks, Bolen, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gibson, Grattan, Keen, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield, Noblin, Opie, Overby, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—39.

No. 79. House engrossed bill for the relief of the estate of C. H. Lynch, of Campbell county, was read a third time and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 70. House engrossed bill to provide an increase of the district school funds of Hiawassee district, of the county of Pulaski, was read a third time and passed.

Mr. DARST moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 111. House bill for the relief of John W. Richardson, of Smythe county, was, on motion of Mr. TRIGG, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

On motion of Mr. GRAVES, the House adjourned.

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### SATURDAY, NOVEMBER 15, 1884.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 14, 1884.*

The Senate have agreed to the amendments proposed by the House of Delegates, to Senate bill entitled an act for the compensation of W. W. Wood of Mecklenburg county, No. 53.

And have passed Senate bill entitled an act to amend and re-enact an act entitled an act to provide for working of roads in the counties of Chesterfield, Powhatan and Goochland, approved March 3, 1884, No. 133; in which bill they respectfully request the concurrence of the House of Delegates.

No. 133. Senate bill, was read twice and referred to the committee on counties, cities and towns.

The following House bills reported from the special joint committee to examine lunatic asylums, were read a first time:

No. 135. House bill to appropriate money to make certain repairs at the Western lunatic asylum.

No. 136. House bill to appropriated money to complete the new asylum building near Petersburg, known as the Central lunatic asylum.

No. 137. House bill to provide compensation for the Senate when sitting as a court of impeachment during the recesss of the General Assembly, and the expenses incident thereto, reported from the committee for courts of justice, was read a first time.

The following House bills reported from the committee on Chesapeake and its tributaries, were read a first time:

No. 138. House bill to incorporate the Powhatan oyster company, and to grant it certain privileges.

No. 139. House bill for the protection of fish in Back bay in Princess Anne county, Va.

Mr. PETERS, under a suspension of the rule, presented

No. 140. House bill to regulate times for holding courts in the fourth judicial circuit, which was read a first time.

Mr. DUNLOP, under a suspension of the rule, presented

No. 141. House bill to abolish the office of inspectors of the public warehouse of Richmond, which was read a first time.

Mr. MUSTARD of *Bland*, under a suspension of the rule, presented

No. 142. House bill to expedite the building of the Iron Belt railroad in part, which was read a first time.

Mr. DUNLOP, under a suspension of the rule, presented

No. 143. House joint resolution instructing the register of the land office, to remove the Bell-house and rail surrounding the capitol park, which was read a first time.

Mr. OPIE, under a suspension of the rule, presented

No. 144. House bill to provide for collecting and preparing an exhibit of the mineral and forestal resources of the commonwealth, in the World's industrial and cotton centennial exposition at New Orleans, which was read a first time.

Mr. ANDERSON of *Rockbridge*, under a suspension of the rule, presented

No. 145. House bill to authorize the Rockbridge artillery company to adopt a uniform for its members, which was read a first time.

Mr. SMITH offered the following resolution:

Resolved, That the resolution as follows:

Resolved, That the committees of the House be, and they are hereby instructed to report no bills unless they come within the scope of the following resolutions, viz.:

Resolved, That the business of the extra session be limited to the following subjects, viz.:

1st. The passage of a law apportioning the state into electoral districts for presidential electors.

2d. To the re-enactment of the law dividing the state into congressional districts, if deemed necessary.

3d. The re-enactment of the laws concerning election machinery as they existed prior to the session of 1883-4, if deemed necessary.

4th. To such legislation touching the state debt and finances as may be necessary.

5th. To the correction of such mistakes, clerical or typographical, as may exist in the Acts of 1883-84.

6th. To the amendment of any act of 1883-84, not political, which affects any county, city or town, directly, and not indirectly, or through any body corporate.

7th. To such matters as may be recommended by the executive.

8th. To the election of judges and the passage of such laws as may be necessary to all vacancies in office.

9th. To the re-enactment of a law for the reassessment of the lands of the commonwealth—

Be and the same is hereby rescinded; which was agreed to.

Leave of absence was granted to Mr. LAWSON one day; Mr. WHITE two days; and Messrs. POLLARD, MOFFETT and GIBSON, three days each.

The following were presented and referred under rule 37:

By Mr. ANDERSON of *Rockbridge*: A bill to provide for the better protection of the stockholders and depositors of the banks of the commonwealth. Referred to the committee on banks, currency, and commerce.

By Mr. ECHOLS: A bill to repeal an act entitled an act to amend and re-enact section 2, chapter 158, Code 1873, in reference to exemption of firemen from jury service, approved April 2, 1879, and to re-enact section 2, chapter 158, Code of 1873. Referred to the committee for courts of justice.

By Mr. WILKINS: A bill for the relief of John T. W. Custis of Northampton county. Referred to the committee on finance.

By Mr. ECHOLS: A bill authorizing the governor to loan to the Fishburne military school at Waynesboro', arms. Referred to the committee on militia and police.

By Mr. SMITH: A petition of Fayette Browning and others, sureties of George S. Cady, late sheriff of Culpeper county. Referred to the committee on finance.

By Mr. EVANS of *Richmond city*: A bill to provide for the transfer of the real property books from the office and custody of the clerk of the hustings court of Richmond to the office and custody of the clerk of the chancery court thereof. Referred to the committee for courts of justice.

By Mr. FITZPATRICK: A bill to incorporate the Albemarle and Nelson railroad company. Referred to the committee on roads and internal navigation.

By Mr. McCANDLISH: A bill for the better protection of the stockholders and depositors of the banks of the commonwealth. Referred to the committee on banks, currency, and commerce.

By Mr. DUNLOP: A bill to incorporate the Virginia mechanics' institute and to provide for the establishment of the same. Referred to the committee on finance.

By Mr. WILKINS: A bill to protect owners and occupiers of land in the county of Northampton, having water-fronts thereon suitable for planting oysters. Referred to committee on the Chesapeake and its tributaries.

By Mr. MUSTARD of *Tazewell*: A bill to furnish artificial limbs to soldiers who have lost them during the late war. Referred to the committee on finance.

By Mr. ANDERSON of *Rockbridge*: A bill to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock of the Valley railroad company, and retire the existing indebtedness of the county. Referred to the committee on counties, cities and towns.

The morning hour having expired, the House proceeded to the consideration of business on the calendar.

The following House bills were, on motions severally made, taken up out of their order on the calendar, read a second time, and ordered to be engrossed to be read a third time:

No. 131. House bill to amend an act, approved March 17, 1884, requiring railroad companies to construct cattle-guards. (On motion of Mr. MEADE of *Clarke*.)

No. 88. House bill to incorporate the town of Lynch's Station, in the county of Campbell. (On motion of Mr. WARD.)

No. 87. House bill to incorporate the town of Boykins. (On motion of Mr. PRETLOW.)

No. 124. House bill in relation to fences in Berkley district, in the county of Spotsylvania. (On motion of Mr. FITZPATRICK.)

No. 102. House bill to declare Mud fork, in the county of Tazewell, navigable for a certain distance. (On motion of Mr. MUSTARD of *Tazewell*.)

No. 117. House bill providing local option for Lunenburg county. (On motion of Mr. OVERBY.)

No. 119. House bill to incorporate the Bishop Payne divinity and industrial school in Virginia. (On motion of Mr. CHRISTIAN.)

No. 123. House bill exempting farmers from jury service during cutting and curing tobacco. (On motion of Mr. NOBLIN.)

Mr. NOBLIN moved to reconsider the vote by which the bill was ordered to be engrossed; which motion was rejected.

No. 134. House bill to submit to the qualified voters of Northampton county the question of abolishing the present fence law in said county. (On motion of Mr. WILKINS.)

No. 127. House bill for the relief of sureties of J. L. F. Campbell. (On motion of Mr. TRIGG.)

No. 98. House bill authorizing the auditor of public accounts to adjust and compromise the claim of the commonwealth against Charles W. McClaugherty, late sheriff of Giles county, and his sureties. (On motion of Mr. DARST.)

No. 100. House bill extending the time for the payment of taxes for the year 1884, in Essex county. (On motion of Mr. EVANS, of *Middlesex*.)

No. 121. House bill to amend and re-enact section 1 of an act entitled an act for making and repairing division fences between co-terminous land owners in the counties of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved April 14, 1882. (On motion of Mr. FITZPATRICK.)

No. 108. House bill to amend section 53, chapter 167 of Code of 1873, as amended by an act approved February 12, 1884, in relation to orders and decrees. (On motion of Mr. PRETLOW.)

No. 110. House bill to repeal an act entitled an act authorizing a review by the county court of the decisions of justices of the peace in cases of misdemeanors, approved March 31, 1875. (On motion of Mr. SMITH.)

No. 133. House bill to amend an act entitled an act to incorporate the Grand Lodge of the Sons of Zion Benevolent Society of Virginia, approved February 9, 1882. (On motion of Mr. TRIGG.)

The following House engrossed bills were, on motions severally made, taken up out of their order on the calendar, read a third time and passed:

No. 112. House engrossed bill for the relief of R. Smith, W. E. Perry, W. P. Cecil, James Thompson, James Harrison, H. R. Bogle, H. S. Brown, J. R. Whitten, and W. W. Harrison, sureties of John Thompson, late sheriff of Tazewell county—yeas 51. (On motion of Mr. GRAVES.)

The vote required by the constitution was recorded as follows:

**AYES**—Messrs. Speaker, Banks, Barton, Bishop, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Graves, Jones, Keen, Leftwich, Leigh, McCandlish, McLin, Mauck, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—51.

Mr. CROCKETT moved to reconsider the vote by which the bill was passed, which motion was rejected.

No. 77. House engrossed bill to allow David E. Bass, late treasurer of Campbell county, further time to return lists of insolvents and delinquents. (On motion of Mr. LEFTWICH.)

Mr. LEFTWICH moved to reconsider the vote by which the bill was passed, which motion was rejected.

No. 116. House engrossed bill for the relief of Mrs. Martha S. Slaughter of the county of Charlotte—yeas 51. (On motion of Mr. WINN.)

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Barton, Bishop, Bolen, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Jones, Keen, Leftwich, Leigh, McLin, Mauck, Mays, David Meade, Moffett, Mooklar, Moon, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Trigg, John W. Vaughan, Ward, Westcott, Wilkins, Winn, and Whitehead—51.

Mr. WINN moved to reconsider the vote by which the bill was passed, which motion was rejected.

No. 114. House engrossed bill to incorporate the Old Dominion Accident Insurance and Guarantee company. (On motion of Mr. EVANS of *Richmond city*).

Mr. EVANS of *Richmond city* moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 80. House engrossed bill to incorporate the town of Stuart in the county of Patrick. (On motion of Mr. MUNFORD.)

Mr. MUNFORD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 111. House engrossed bill for the relief of John W. Richardson, treasurer of Smyth county. (On motion of Mr. TRIGG.)

Mr. TRIGG moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 103. Senate bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts of 1869–70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869–70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872–3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869–70, as amended by an act entitled an act to amend and re-enact sections 39, 40 and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870–71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

Mr. BARTON moved to reconsider the vote by which the bill was ordered to its third reading; which motion was agreed to.

Mr. BARTON moved to amend the bill by adding to section 13 the following: "and which certificate shall be duly attested, according to law"; which was agreed to.

The bill, as amended, was ordered to its third reading.

The amendment being presently engrossed, the bill was read a third time and passed.

Mr. BARTON moved to amend the title by adding thereto the following words: "and defining the duties and powers of the electoral boards created under this act"; which was agreed to.

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BARTON communicate the bill to the Senate and request their concurrence in the amendments of the House.

No. 97. House bill for the protection of fish above tide-water, was, on motion of Mr. OPIE, taken up out of its order on the calendar.

On motion of Mr. KEEN, the bill was postponed and made a special and continuing order for Monday next at 1 o'clock.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 14; nays 35.

On motion of Mr. FITZPATRICK, the vote was recorded as follows:

YEAS—Messrs. Barton, Bishop, Grattan, Graves, Jones, McCandlish, Mauck, Mays, W. G. Mustard, Opie, Peters, Robertson, Ryan, and John W. Vaughan—14.

NAYS—Messrs. Speaker, William A. Anderson, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Fitzpatrick, Keen, Leftwich, Leigh, David Meade, Moffett, Mooklar, Moon, Moorefield, S. P. Mustard, Overby, Paxton, Porter, Pretlow, Smith, Soule, Stribling, Trigg, Ward, Wescott, Wilkins, Winn, and Whitehead—35.

Mr. ECHOLS moved a call of the House.

Pending which, on motion of Mr. OPIE, the House adjourned.

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## MONDAY, NOVEMBER 17, 1884.

On motion of Mr. ECHOLS, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 15, 1884.*

The Senate have passed House bill entitled an act in relation to the school fund of Charlotte, No. 72.

They have passed with an amendment, House bill entitled an act to incorporate the Abingdon and Laurel railroad company, No. 59.

They have passed Senate bill entitled an act to provide for a new census of the school population of the city of Roanoke, No. 31.

And they have agreed to the amendments proposed by the House of Delegates, to Senate bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 21, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts of 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, No. 103.

In which bill and amendment they respectfully request the concurrence of the House of Delegates.

No. 59. House bill, was placed on the calendar, the rule having been suspended on motion of Mr. TRIGG, requiring its reference to a committee.

No. 31. Senate bill, was read twice and referred to the committee on schools and colleges.

No. 146. House bill to authorize William Dew to erect a boom in the Mattaponi river, reported from the committee on the Chesapeake and its tributaries, was read a first time.

The following House bills, reported from the committee for courts of justice, were read a first time:

No. 147. House bill to provide for filling a vacancy in the office of attorney-general.

No. 148. House bill to provide for securing to the state money due to it by any of its officers.

No. 149. House bill to provide for the transfer of the real property books from the office and custody of the clerk of the hustings court of Richmond, to the office and custody of the clerk of the chancery court thereof.

No. 150. House bill for the relief John T. W. Custis, late commissioner for Northampton county, reported from the committee on finance, was read a first time.

The following House bills, reported from the committee on finance, were read a first time:

No. 151. House bill in regard to pay of commissioners of the revenue.

No. 152. House bill to amend and re-enact section 73 of an act entitled an act prescribing general provisions in relation to commissioners of the revenue and the assessment of taxes on persons, property, income, etc., approved March 16, 1875, as amended by an act approved March 27, 1876, the acts approved April 2, 1877, and the act approved April 21, 1882.

No. 153. House bill for the relief of the sureties of John F. Jones, late treasurer of Craig county.

No. 154. House bill to furnish artificial limbs to soldiers who lost theirs during the late war.

No. 155. House bill in regard to the compensation of collector of taxes, etc.

No. 156. House bill to amend section section 6 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them from the waters of the commonwealth as amended by an act approved August —, 1884, reported from the committee on the Chesapeake and its tributaries, was read a first time.

No. 157. House bill authorizing the governor to loan to the Fishburne military school at Waynesboro', arms, reported from the committee on militia and police, was read a first time.

Mr. MOOKLAR, under a suspension of the rule, presented

No. 158. House bill to authorize the board of supervisors of King William county to borrow money to build a jail, which was read a first time.

Mr. WARD offered the following resolution:

Resolved, That when this House adjourns to-day, it adjourn to meet on Wednesday next at 12 o'clock—

Which was rejected.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 3; nays 47.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. Bishop, McCandlish, and Nance—3.

NAYS—Messrs. Speaker, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Harris, Hazlewood, Jones, Keen, Leftwich, Leigh, McLin, Marshall, Mauck, Mays, David Meade, Mooklar, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Overby, Paxton, Peters, Porter, Robertson, Ryan, Smith, Soule, Stribling, Trigg, Ward, Wescott, Wilkins, Winn, and Whitehead—47.

Mr. ECHOLS moved a call of the House; which motion was agreed to. The roll was called and the absentees noted, as follows:

Messrs. R. J. Anderson, Bailey, Banks, Brockwell, Camper, Curtis, Dodson, Dunn, Ellis, Garnett, Gee, Gibson, Gordon, Gose, Grandstaff, Duff Green, Armistead Green, Griffin, Griggs, Harrison, Hobson, Hubbard, Kelly, Kilgore, Lawson, Loving, Lut-

trell, Charles C. Meade, Moffett, Munford, Noblin, Opie, Parker, Pollard, Powell, Pretlow, Richardson, Rosler, Ross, Saunders, Scott, Seay, Stewart, Tabb, John W. Vaughan, R. F. Vaughan, Wheeler, and White.

Messrs. ANDERSON of *Rockbridge*, and DUNLOP, answered to their names when the absentees were called.

On motion of Mr. GRAVES, all further proceedings under the call was dispensed with.

Mr. PETERS entered motions to reconsider the votes by which No. 108, Senate bill entitled an act for the relief of Swinfield Stanley, late sheriff of Henry county, and his sureties, was ordered to its third reading, and by which the substitute proposed by the committee on finance was agreed to.

Mr. SMITH offered the following resolution:

Resolved, That the committee on finance be instructed to consider the expediency of restoring the salary of the circuit judges to the sum paid them prior to the reduction to the present allowance; and in the event they shall be of opinion that this legislature should take such action, they shall report a bill for the same.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. SMITH offered the following resolution:

Resolved, That the committee on the judiciary be instructed to consider the expediency of so amending the criminal laws as to require each county to pay its own criminal expenses, and in the event they shall consider such changes judicious, they shall report a bill accordingly.

The House referred the resolution to the committee on finance.

Indefinite leave of absence was granted Messrs. MUSTARD of *Bland*, and McLIN.

A communication was received from the governor as follows:

COMMONWEALTH OF VIRGINIA,  
GOVERNOR'S OFFICE,  
RICHMOND, November 17, 1884.

*To the General Assembly:*

It is my duty to report a vacancy in the judgeship of King & Queen county, by the resignation of J. H. C. Jones, Esq.

WM. E. CAMERON.

The communication was referred to the committee for courts of justice.

On motion of Mr. FITZPATRICK, the committee on roads and internal navigation was discharged from the further consideration of No. 159, House bill to incorporate the Albemarle and Nelson railroad company.

The bill was placed on the calendar.

The following were presented and referred under rule 37:

By Mr. BAKER: A bill for the relief of A. J. Angel. Referred to the committee on finance.

By Mr. KEEN: A bill to amend and re-enact section 15 of chapter 128 of the Code of 1873, in relation to fees of commissioner of accounts. Referred to the committee for courts of justice.

By Mr. PAXTON: A bill to amend and re-enact an act entitled an act to give aid to the citizens of Virginia, wounded and maimed during the late war while serving as soldiers or marines, approved February 25, 1884. Referred to the committee on finance.

By Mr. BAKER: A bill to provide for the inspection of mines and appointment of inspector of mines. Referred to the committee on agriculture and mining.

By Mr. ANDERSON of *Rockbridge*: A bill to authorize the treasurer to adjust the claim of the commonwealth against the sureties of the Planters and Mechanics bank of Petersburg. Referred to the committee on finance.

By Mr. KEEN: An act to encourage education, and to educate white female teachers for the public free schools at the private female institutions and colleges in the state. Referred to the committee on schools and colleges.

By Mr. WILKINS: Petition of citizens of Northampton, praying that section 6 of present oyster law be not amended or repealed. Referred to the committee on the Chesapeake and its tributaries.

By Mr. PORTER: A bill to repeal an act entitled an act to define the boundary line between Warwick and Elizabeth City near Newport News.

By Mr. SMITH: A bill to provide for taking the sense of the qualified voters of the commonwealth on the question of a convention. Referred to the committee for courts of justice.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 132. House bill to amend and re-enact sections 13 and 48 of an act entitled an act for the preservation of oysters and to obtain a revenue for the privilege of taking them from the waters of the commonwealth, was on motion of Mr. WESCOTT, taken up out of its order on the calendar.

The bill was read a second time.

On motion of Mr. WESCOTT, the bill was amended by striking out the words "nor west of a line drawn from the light house on Rappahannock spit to the light house on Windmill point, and thence of a line running south, southeast to the shoals of the eastern entrance of Milford Haven," and inserting "nor west of a line drawn from the light house on Rappahannock spit to the light house on Wolf trap spit."

On motion of Mr. WESCOTT, the bill was amended by adding as an independent section the following:

"This act shall be in force from its passage."

The bill was ordered to be engrossed to be read a third time.

No. 142. House bill to expedite the building of the Iron Belt rail-

road in part, was on motion of Mr. MUSTARD of *Bland*, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

On motion of Mr. FITZPATRICK, the House proceeded to the consideration of House engrossed bills.

The motion made by Mr. ECHOLS to reconsider the vote by which No. 73, House bill for the relief of the Shenandoah Valley agricultural society was rejected, came up.

On motion of Mr. BARTON, the motion to reconsider was passed by.

The following House engrossed bills were on motions severally made, passed by:

No. 74. House engrossed bill substituting a board of railroad commissioners for the present railroad commissioner of the state, and defining the duties and powers of such board, and repealing the act of March 31, 1877, in reference to the said commissioner. (On motion of Mr. GRAVES).

No. 127. House engrossed bill for the relief of the sureties of J. L. F. Campbell. (On motion of Mr. FITZPATRICK).

The following House engrossed bills were read a third time and passed:

No. 110. House engrossed bill to repeal an act entitled an act authorizing a review by the county court of the decisions of justices of the peace in cases of misdemeanors, approved March 31, 1875.

No. 102. House engrossed bill to declare Mud Fork, in the county of Tazewell, navigable for a certain distance.

No. 93. House engrossed bill authorizing the auditor of public accounts to adjust and compromise the claims of the commonwealth against Charles W. McClaugherty, late sheriff of Giles county, and his sureties—yeas 52.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Armistead Green, Harris, Hazlewood, Jones, Keen, Leftwich, Leigh, Marshall, Mauck, Mays, David Meade, Mooklar, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Overby, Paxton, Peters, Porter, Robertson, Ryan, Smith, Soule, Stribling, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, Winn, Wheeler, and Whitehead—52.

On motion of Mr. DARST, the title was amended so as to read as follows:

“For the relief of Charles W. McClaugherty, late sheriff of Giles.”

No. 65. House engrossed bill to amend and re-enact an act to provide for a general index to deeds, wills and fiduciary accounts, approved March 29, 1877.

No. 53. House engrossed bill to authorize the receiver in the case of the Holmes Presbyterian church, of Northampton versus The New York, Philadelphia and Norfolk railroad company, to pay money to the trustees of said church.

No. 66. House engrossed bill to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against or notice to a corporation.

No. 68. House engrossed bill to provide the times for holding the courts in the ninth judicial circuit.

The hour of 1 o'clock P. M., having arrived, special order,

No. 97. House bill for the protection of fish above tide-water, came up.

On motion of Mr. ECHOLS, the special order was postponed until to-morrow.

A message was received from the Senate by Mr. CALLAHAN, who informed the House that the Senate had passed Senate bill entitled an act to authorize the Seaboard and Roanoke railroad company to invest in and operate railroad and transportation lines in this and other states, No. 9; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. PORTER, requiring its reference to a committee.

The following House engrossed bills were read a third time and passed:

No. 75. House engrossed bill to provide the manner in which the Nelson improvement company may obtain a license to operate its telephones and fix the amount to be paid therefor.

No. 98. House engrossed bill to prohibit the boards of supervisors of each of the counties bordering on the bays, rivers and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes, to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake, and to prevent a double tax on oysters transported to market on steam vessels.

No. 76. House engrossed bill to amend and re-enact an act approved January 28, 1884, for the relief of A. N. Finks, of Madison county.

No. 134. House engrossed bill to submit to the qualified voters of Northampton county the question of abolishing the present fence law in said county.

No. 131. House engrossed bill to amend an act approved March 17, 1884, requiring railroad companies to construct cattle-guards.

No. 108. House engrossed bill to amend section 53, chapter 167, of Code of 1873, as amended by an act approved February 12, 1884, in relation to orders and decrees.

No. 123. House engrossed bill exempting farmers from jury service during cutting or curing tobacco.

No. 100. House engrossed bill extending the time for the payment of taxes for the year 1884, in the county of Essex.

No. 119. House engrossed bill to incorporate the Bishop Payne divinity and industrial school in Virginia.

No. 124. House engrossed bill in relation to fences in Berkeley district, in the county of Spotsylvania.

No. 88. House engrossed bill to incorporate the town of Lynch's Station, in the county of Campbell.

No. 117. House engrossed bill providing local option for Lunenburg county.

No. 121. House engrossed bill to amend and re-enact section 1 of an act entitled an act for making and repairing division fences between coterminous land-owners in the counties of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved March 14, 1882.

Motions severally made to reconsider the votes by which Nos. 110, 102, 93, 65, 53, 66, 68, 75, 98, 76, 134, 131, 108, 123, 100, 119, 124, 88, 117, and 121, House engrossed bills, were passed, were rejected.

No. 60. House engrossed bill for the protection of the cotton planters of the state of Virginia, was read a third time and passed.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed.

On motion of Mr. EVANS of *Middlesex*, the motion to reconsider was passed by.

The following House engrossed bills were read a third time and passed:

No. 133. House engrossed bill to amend an act entitled an act to incorporate the Grand Lodge of the Sons of Zion benevolent society of Virginia, approved February 9, 1882.

No. 87. House engrossed bill to incorporate the town of Boykins.

No. 59. House engrossed bill entitled an act to incorporate the Abingdon and Laurel railroad company, came up.

The amendment of the Senate was agreed to.

Mr. TRIGG moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was agreed to.

No. 49. Senate bill entitled an act in relation to an increase of the compensation of the clerk of Greensville and other counties, was read a third time and passed.

No. 108. Senate bill entitled an act for the relief of Swinfield Stanley, late sheriff of Henry county and his sureties, was on motion of Mr. PETERS, passed by.

No. 145. House bill to authorize the Rockbridge artillery company to adopt a uniform for its members, was on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a second time.

On motion of Mr. KEEN, the bill was amended by inserting after the word "organized," the words "and for the Danville grays an infantry company of the city of Danville."

The bill was ordered to be engrossed to be read a third time.

No. 115. House bill fixing the time for holding the circuit courts

of the fifteenth judicial circuit, was on motion of Mr. CROCKETT, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 125. House bill to incorporate the town of Orkney springs in the county of Shenandoah, was on motion of Mr. GRATTAN, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 139. House bill for the protection of fish in Back bay in Princess Anne county, was on motion of Mr. WHITEHEAD, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 129. House bill for the relief of John W. Green and his deputies, was, on motion of Mr. BOLEN, taken up out of its order on the calendar.

The bill was read a second time, and ordered to be engrossed to be read a third time.

No. 78. House bill to repeal sections 106 and 107 of chapter 1 of an act passed March 15, 1884, relating to the assessment of taxes upon persons and property, &c., was, on motion of Mr. MEADE of *Clarke*, taken up out of its order on the calendar.

The bill was read a second time.

Mr. MEADE of *Clarke*, offered a substitute; which was agreed to.

The bill, as amended, was ordered to be engrossed to be read a third time.

Mr. HAZLEWOOD moved that the House do now adjourn; which motion was rejected—yeas 10; nays 35.

On motion of Mr. JONES; the vote was recorded as follows:

AYES—Messrs. Curtis, Dunlop, Thomas J. Evans, Grattan, Graves, Hazlewood, McCandlish, Soule, Winn, and Wheeler—10.

NAYS—Messrs. Speaker, Barton, Bishop, Bolen, Burks, Cardwell, Crockett, Darst, Echols, A. Browne Evans, Fitzpatrick, Jones, Keen, Leftwich, Leigh, McLin, Marshall, Mauck, Mays, David Meade, Mooklar, Moon, S. P. Mustard, Overby, Porter, Robertson, Ryan, Smith, Stribling, Trigg, John W. Vaughan, Ward, Westcott, Wilkins, and Whitehead—35.

Mr. ECHOLS moved a call of the House.

On motion of Mr. EVANS of *Middlesex*, the House adjourned.

TUESDAY, NOVEMBER 18, 1884.

On motion of Mr. TRIGG, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 17, 1884.*

The Senate have passed House bills entitled an act for the relief of the estate of R. S. Slayton and his widow, Ann Slayton, No. 19; an act to amend and re-enact section 28 of an act approved March 8, 1884, entitled an act providing for the working and repairing of public roads and bridges, No. 84; an act to amend and re-enact section 10 of an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county, No. 42.

They have passed Senate bills entitled an act to amend the sixth and seventh sections of chapter 95, Acts of 1881-2, entitled an act to incorporate the Atlantic and Danville narrow-gauge railroad company, and to add another section thereto, No. 91; an act to authorize the Richmond and Alleghany railroad company or its successor company, to issue preferred stock, and to facilitate the reorganization thereof, No. 123; an act for the relief of D. W. Dunn, late treasurer of Bland county, and his deputies, No. 50; an act to prevent the spreading of diseases among domestic animals, No. 58; an act to confer additional powers upon the city council of Lynchburg, No. 82; an act to incorporate the Norfolk and Cape Henry railroad company, No. 83; an act to amend and re-enact section 48 of the charter of the city of Roanoke, No. 86; an act to erect a wharf in Mathews county, No. 90; an act to allow George W. Butts, to construct a causeway and erect a wharf or pier from the main land of Shackley hill farm to Shackley hill island, in the Nansmond river, in Nansemond county, and thence to the old channel of said river, for the purpose of shipping and receiving freight and passengers, No. 92; an act for the relief of O. B. Thomas, treasurer of Fluvanna county, No. 99; an act to provide for a new registration of the voters in certain precincts in the county of Surry, No. 105; an act to amend and re-enact section 38, chapter 128 of the Code of 1873, limiting the time to one year for creditors to show cause against distribution of estates, No. 111; an act authorizing the surviving trustees of the Meadville academy, to sell the property, No. 117; and an act to amend and re-enact section 34, chapter 118, Code of 1873, limiting the time for contesting wills to two years, No. 115; in which bills they respectfully request the concurrence of the House of Delegates.

Nos. 123, 91, 117, 92, 90, 83 and 50. Senate bills were read twice and placed on the calendar, the rule having been suspended on motions severally made by Messrs. ANDERSON of Rockbridge, MAR-

SHALL, MOOREFIELD, BROCKWELL, EVANS of *Middlesex*, PORTER, and MUSTARD of *Bland*, requiring their reference to committees.

Nos. 111 and 115. Senate bills were read twice, and referred to the committee for courts of justice.

No. 99. Senate bill was read twice, and referred to the committee on finance.

No. 105. Senate bill was read twice, and referred to the committee of privileges and elections.

No. 58. Senate bill was read twice, and referred to the committee of propositions and grievances.

Nos. 82 and 86. Senate bills were read twice, and referred to the committee on counties, cities and towns.

No. 133. Senate bill entitled an act to amend and re-enact an act entitled an act to provide for working of roads in the counties of Chesterfield, Powhatan and Goochland, approved March 3, 1884, was reported from the committee on counties, cities and towns.

The following House bills, reported from the committee on finance, were read a first time:

No. 160. House bill to pay to Waller R. Staples and John W. Daniel for professional services rendered the state in the litigation involving the validity of the congressional apportionment act.

No. 161. House bill for the relief of the sureties of Peyton R. Ford, late collector of Madison township, of Charlotte county, Virginia.

No. 162. House bill to authorize the treasurer to adjust the claim of the commonwealth against the sureties of the Planters and Mechanics bank of Petersburg.

No. 163. House bill for the relief of P. P. Winston, administrator of the estate of John W. Wright, deceased, late sheriff of the city of Richmond.

No. 164. House bill to amend and re-enact an act entitled an act to give aid to the citizens of Virginia wounded and maimed during the late war while serving as soldiers or marines, approved February 25, 1884.

No. 165. House bill for the better protection of the stockholders and depositors of the banks of the commonwealth.

No. 166. House bill to amend section 7, chapter 82 of Code of 1873, and sections 3 and 4 of chapter 82, as amended by the act in force 18th February, 1884, in relation to the lunatic asylums of Virginia, reported from the special joint committee to investigate the affairs of the lunatic asylums, was read a first time.

No. 167. House bill to repeal an act entitled an act to define the boundary line between Warwick and Elizabeth City, near Newport News, reported from the committee on counties, cities and towns, was read a first time.

The following House bills, reported from the committee on propositions and grievances, were read a first time:

No. 168. House bill to incorporate the Good Samaritan Association of Appomattox county, Virginia.

No. 169. House bill to incorporate the Adopted Sons of Zion, at Abingdon, Virginia.

Mr. KEEN, under a suspension of the rule, presented

No. 170. House bill to incorporate the Ladies' benevolent society, of Danville, Virginia, which was read a first time.

Mr. MUSTARD of *Tazewell*, under a suspension of the rule, presented

No. 171. House bill to provide for the inspection of mines, and appointment of inspector of mines, which was read a first time.

Mr. PETERS, under a suspension of the rule, presented

No. 172. House bill to amend an act entitled an act to prevent obstructions to the free passage of fish in the streams of the commonwealth, applying to the rivers Smith and Dan, above tide-water, which was read a first time.

A report of the special committee to inquire and report as to the amounts drawn by Attorney-General F. S. Blair, other than his salary, was presented.

The report was read.

Mr. BROCKWELL moved to lay the report on the table; which motion was rejected.

On motion of Mr. SMITH, the report was passed by, and one thousand copies ordered to be printed. Doc. No. 5.

Leave of absence was granted Mr. POLLARD for three days, and an indefinite leave for Mr. BISHOP.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved (the House of Delegates concurring,) That the General Assembly proceed to elect on Friday, the 21st November, a judge for the county of King and Queen—

In which they respectfully request the concurrence of the House.

The SPEAKER laid the resolution before the House.

On motion of Mr. GRAVES, the resolution was amended by inserting after "November," the words "at one o'clock, P. M."

The resolution, as amended, was agreed to.

Mr. GRAVES moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Ordered, That Mr. EVANS of *Middlesex*, carry the resolution to the Senate, and request their concurrence in the amendment of the House.

The following were presented and referred under rule 37:

By Mr. WILKINS: A bill to amend section 2 of chapter 183 of an act approved March 12, 1878, in relation to the pay of basement officers. Referred to the committee on finance.

By Mr. LAWSON: A bill for the relief of Charles H. Hart, late treasurer of Isle of Wight county. Referred to the committee on finance.

By Mr. SMITH (by request): A bill to authorize the circuit court of the city of Richmond to hear and determine the matter of a claim of J. G. Field, late attorney-general, against the state. Referred to the committee for courts of justice.

Mr. FITZPATRICK offered the following resolution :

Resolved, That the special committee appointed to investigate and report upon the sums drawn from the treasury by Attorney-General F. S. Blair, be instructed to ascertain and report whether any other money has been illegally paid out of the treasury of the state to state officers or others; and if so, what legislation is necessary to recover the same, and report by bill or otherwise.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

A report was presented as follows :

The committee of conference of the two houses upon the disagreeing vote of the two houses upon the Senate substitute to House bill No. 3, recommend that the Senate recede from its substitute, and the adoption of the following amendments to the House bill :

1. Strike out in the 4th and 5th lines of section 7, the words "at the first, second, or third term after," and insert in lieu thereof, the words "at any time prior to the first day of March next succeeding the time at which."

2. Add an additional section :

"11. This act shall be in force from its passage."

W. C. WICKHAM,  
SAM'L H. NEWBERRY,  
*On part of the Senate.*

JNO. W. LAWSON,  
JNO. H. OVERBY,  
*On part of the House—*

Was agreed to.

Mr. ECHOLS moved to reconsider the vote by which the report of the committee of conference was agreed to; which motion was rejected.

Ordered, That Mr. ECHOLS inform the Senate that the House had agreed to the report of the committee of conference.

No. 150. House bill for the relief of John T. W. Custis, late commissioner of the revenue for Northampton, was on motion of Mr. WILKINS, taken up out of its order on the calendar.

The bill was read a second time.

Mr. ECHOLS offered a substitute; which was agreed to.

The bill, as amended, was ordered to be engrossed to be read a third time.

A message was received from the governor as follows:

## COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, November 17, 1884.

*To the House of Delegates:*

I respectfully return No. 69, House bill entitled "an act to amend and re-enact an act entitled an act directing the board of visitors of the Virginia military institute to be vacated, and the appointment of a new board, approved March 3, 1882."

My reasons are, that I believe the administration of the Virginia military institute since the act of 1882, to have been honest, wise, and conservative. The board which I appointed, has, in my judgment, greatly improved the condition of the school. The reports, financial and otherwise, show for themselves. I therefore ask a review of your opinion and action.

WM. E. CAMERON.

The question being, "Will the House upon reconsideration pass the bill"? was put and decided in the affirmative—yeas 48; nays 14—(two-thirds of those present voting in the affirmative).

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Robertson, Ryan, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—48.

NAYS—Messrs. Bishop, Brockwell, Dodson, Garnett, Harris, Harrison, Hazlewood, Hubbard, McCandlish, Mauck, Mooklar, S. P. Mustard, W. G. Mustard, and Ross—14.

Ordered, That Mr. PAXTON inform the Senate.

On motions severally made, the following joint resolution and bills were taken up out of their order on the calendar:

No. 37. House joint resolution authorizing the governor of Virginia to pay George H. Bagwell for services rendered in establishing the boundary line between Virginia and Maryland. (On motion of Mr. WESCOTT.)

The joint resolution was read a second time and ordered to be engrossed.

No. 148. House bill to provide for securing to the state money due to it by any of its officers. (On motion of Mr. BARTON.)

The bill was read a second time and ordered to be engrossed.

No. 147. House bill to provide for filling a vacancy in the office of attorney-general. (On motion of Mr. BARTON.)

The bill was read a second time.

On motion of Mr. BARTON, the bill was amended as follows:

Add to end of section 1, the following: "and when a vacancy in the office of attorney-general has been filled when the General Assembly was not in session, in accordance with the provisions of this act, it shall be the duty of the General Assembly, at its next session, by a vote of the two houses, to elect a fit person to be attorney-general for the residue of the term that has so become vacant."

The bill as amended, was ordered to be engrossed.

No. 137. House bill to provide compensation for the Senate when sitting as a court of impeachment during the recess of the General Assembly, and the expenses incident thereto. (On motion of Mr. BARTON.)

The bill was read a second time and ordered to be engrossed.

No. 155. House bill in regard to the compensation of collector of taxes, &c. (On motion of Mr. GRAVES.)

The bill was read a second time and ordered to be engrossed.

The hour of 1 o'clock, P. M., having arrived,

Special order No. 97. House bill for the protection of fish above tide-water, came up.

On motion of Mr. EVANS of *Middlesex*, the special order was postponed for twenty minutes.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed Senate bill entitled an act to authorize the Richmond and Danville railroad company to invest in and operate railroads and transportation lines in this and in other states, No. 114; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was read twice and placed on the calendar; the rule having been suspended, on motion of Mr. NOBLIN, requiring its reference to a committee.

No. 9. Senate bill entitled an act to authorize the Seaboard and Roanoke railroad company to invest in and operate railroads and transportation lines in this and in other states, was, on motion of Mr. LAWSON, taken up out of its order on the calendar.

Mr. ECHOLS moved that the House do now adjourn; which was rejected—no quorum voting.

Mr. ROSS moved a call of the House; which was rejected.

Mr. ECHOLS moved the House do now adjourn; which was rejected—yeas 25; nays 35.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Cardwell, Chapman, Curtis, Dodson, Dunlop, Thomas J. Evans, Fitzpatrick, Garnett, Graves, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, Loving, McCandlish, Mays, David Meade, Mooklar, Moorefield, Robertson, Ross, Trigg, and Winn—25.

NAYS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Brockwell, Darst, Echols, A. Browne Evans, Grattan, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Marshall, Mauck, Moon, Munford, S. P. Mustard, Opie, Paxton, Peters, Porter, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—35.

Special order, No. 97, House bill for the protection of fish above tide-water, again came up.

On motion of Mr. RYAN, the special order was postponed until to-morrow.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 21; nays 37.

On motion of Mr. HAZLEWOOD, the vote was recorded as follows:

YEAS—Messrs. Bishop, Burks, Cardwell, Curtis, Dodson, Dunlop, Thomas J. Evans, Fitzpatrick, Gee, Armistead Green, Harris, Hazlewood, Hubbard, Loving, McCandlish, Mays, Moorefield, Peters, Robertson, Ross, and John W. Vaughan—21.

NAYS—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Brockwell, Chapman, Crockett, Darst, Echols, A. Browne Evans, Graves, Jones, Keen, Lawson, Leftwich, Leigh, Marshall, Mauck, David Meade, Mooklar, Moon, S. P. Mustard, Opie, Paxton, Porter, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—37.

Mr. CURTIS moved that the bill be postponed and made a special order for Thursday next at 1 o'clock P. M.; which was rejected.

Pending the consideration of the bill,

On motion of Mr. GRAVES, the House adjourned.

### WEDNESDAY, NOVEMBER 19, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 18, 1884.*

The Senate have agreed to the amendment proposed by the House of Delegates to Senate joint resolution, providing for the election of a county judge for King & Queen county.

They have passed House bills entitled an act to provide an increase of the district school fund of Hawassa district of the county of Pulaski, No. 70; an act to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 31, 1884, No. 16; an act to provide for a new registration for the city of Portsmouth, No. 82; an act to authorize the board supervisors of Fauquier county, to increase the salary of the county judge of said county, No. 12.

They have agreed to House joint resolution to extend the time for the payment of taxes for the year 1884, in Bedford county, No. 58.

They have passed with amendments, House joint resolution to elect county school commissioners to fill vacancies which have occurred in the county school trustee electoral board of their several counties, No. 46.

They have passed Senate bills entitled an act to provide further allowance for contingent expenses of office of secretary of the commonwealth, in addition to that provided by Acts of Assembly, approved March 15, 1884, No. 125; an act for the relief of J. H. Blair, late treasurer of Wise county and his sureties, No. 124; an act to amend and re-enact section 25 of chapter 58 of the Code of

1873, so as to prescribe in what banks the money of the state shall be kept, No. 68; an act granting relief to V. G. Dunnington, treasurer of Lynchburg, from certain judgments for costs under coupon proceedings against him, No. 121; and an act to incorporate the Ladies' Benevolent Society of Danville, Va., No. 157.

They have passed notwithstanding the objections of the governor to the contrary, House bill entitled an act to amend and re-enact an act entitled an act directing the board of visitors of the Virginia military institute to be vacated, and the appointment of a new board, approved March 3, 1882, No. 69; in which bills and amendments they respectfully request the concurrence of the House of Delegates.

No. 46. House joint resolution was read twice, and placed on the calendar, the rule having been suspended, on motion of Mr. ANDERSON of *Rockbridge*, requiring its reference to a committee.

No. 157. Senate bill was read twice, and placed on the calendar, the rule having been suspended, on motion of Mr. KEEN, requiring its reference to a committee.

Nos. 68, 125, 124 and 121. Senate bills were read twice, and referred to the committee on finance.

The following Senate bills, reported from the committee for courts of justice, were read a first time :

No. 115. Senate bill to amend and re-enact section 34, chapter 118, Code of 1873, limiting the time for contesting wills to two years.

No. 111. Senate bill to amend and re-enact section 38, chapter 128 of the Code of 1873, limiting the time to one year for creditors to show cause against distribution of estates.

The following Senate bills, reported from the committee on schools and colleges, were read a first time :

No. 31. Senate bill to provide for a new census of the school population of the city of Roanoke.

No. 65. Senate bill to regulate the licensing of teachers in public free schools.

No. 64. Senate bill to amend and re-enact sections 5 and 6 of an act in force February 20, 1884, creating the county board of school commissioners, &c., with an amendment.

No. 173. House bill to amend section two of chapter 548, entitled an act to provide for the sale of lands delinquent for taxes and county levies, reported from the committee on finance, was read a first time.

The following House bills, reported from the committee for courts of justice, were read a first time :

No. 174. House bill to authorize the board of supervisors of Sussex county to increase the salary of the county judge.

No. 175. House bill to amend and re-enact section 3, Code of 1873, relating to partitions and coterminous owners.

The following House bills, reported from the committee on schools and colleges, were read a first time:

No. 176. House bill to encourage education and to educate white female teachers for the public free schools at the private female institutes and colleges in the state, with the recommendation that it do not pass.

No. 177. House bill to allow compensation to the district school trustees of the counties of Loudoun, Madison and Sussex.

The following report was presented:

The committee on enrolled bills report that the governor has approved the following bills on November 18, 1884:

An act to provide for the interchange of coupon bonds and registered bonds issued under the act approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debt created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and for the prompt and regular payment of the interest thereon.

An act to permit the qualified voters of the county of Accomac to vote upon the proposition of a change of location in the county seat.

An act to prescribe the times and places for holding the courts of the sixth judicial circuit.

An act to remove the political disabilities of George W. Grinnell, Richard B. Tyler, and others.

An act to provide for the display of Virginia's resources in World's industrial and cotton centennial exposition at New Orleans.

An act to enable the board of supervisors of Rockbridge county to issue new bonds to meet its subscription to the stock to the Valley railroad company, and retire the existing indebtedness of the county.

An act authorizing the mayor and common council of the town of Liberty, Virginia, to borrow for said corporation, and for the purposes of purchasing fire engines and any and all other apparatus suitable for extinguishing fires, and of bringing water to and establishing water-works in said town, and making other permanent improvements, a sum of money not exceeding forty thousand dollars.

An act to amend and re-enact section 4 of an act entitled an act to provide for working and keeping the public roads in order in Clarke county, approved February 17, 1877.

An act to allow the county school board of Spotsylvania county to use a part of the school fund to erect school-houses.

An act to divide the county of Dickenson into two revenue districts.

An act for the compensation of W. W. Wood, of Mecklenburg county.

An act to provide for the restoration of certain records in the clerk's office of the county court of Rockingham county.

Leave of absence was granted indefinitely to Messrs. GOSE, SAUNDERS, STEWART, MUSTARD of *Tazewell*, and WHEELER.

The SPEAKER appointed Mr. McCANDLISH on the committee on House expenses in place of Mr. GRIFFIN, who is absent.

Mr. TRIGG offered the following resolution:

Resolved, That the committee on finance be instructed to report what, if any action is necessary to give further security to the deposits of the state in the banks, and what changes in the law in making or securing said deposits are recommended, and said committee shall report by bill or otherwise.

The House refused to refer the resolution to a committee.

The resolution was agreed to.

Mr. BOLEN, under a suspension of the rule, presented

No. 178. House joint resolution to recover loss to the sinking fund, which was read a first time.

Mr. CROCKETT, under a suspension of the rule, presented

No. 179. House bill for the protection of fish in New river, which was read a first time.

Mr. OVERBY, under a suspension of the rule, presented

No. 180. House bill to provide for removing obstructions in Little Roanoke creek in Charlotte county, which was read a first time.

Mr. BARTON, under a suspension of the rule, presented

No. 181. House joint resolution to take such steps as may be necessary to determine the right of James G. Field, late attorney-general, to money drawn from the treasury, and to recover the same if he is not entitled thereto, which was read a first time.

On motion of Mr. GRAVES,

Resolved, That on and after to-morrow, the House meet at 11 o'clock A. M.

Mr. BOLEN offered the following resolution:

Resolved, That the chair be vacated to-day at 3 o'clock P. M., and resumed at 7½ o'clock P. M.; which was agreed to.

Mr. BOLEN moved to reconsider the vote by which the resolution was agreed to; which motion was agreed to.

The question recurring on agreeing to the resolution, was put and decided in the negative—ayes 33; nays 41.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bolen, Crockett, Darst, Echols, A. Browne Evans, Fitzpatrick, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moorefield, Opie, Peters, Pretlow, Robertson, Seay, Smith, Soule, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and Whitehead—88.

NAYS—Messrs. William A. Anderson, Banks, Bishop, Burks, Chapman, Curtis, Dodson, Thomas J. Evans, Garnett, Gee, Grattan, Graves, Armistead Green, Griggs, Harrison, Hazlewood, Hobson, Hubard, Jones, Kelly, McCandlish, Mauck, Charles C. Meade, Mooklar, Moon, Munford, W. G. Mustard, Nance, Noblin, Overby, Parker, Paxton, Porter, Richardson, Ross, Ryan, Scott, Stribling, R. F. Vaughan, Winn, and White—41.

Mr. BISHOP from the special joint committee presented a minority report in the matter of the investigation of Attorney-General F. S. Blair, in regard to certain amounts drawn by him from the treasury.

The minority report was read.

On motion of Mr. HUBARD, 1,000 copies were ordered to be printed. Doc. No. 5.

The following were presented and referred under rule 37:

By Mr. PRETLOW: A bill to amend chapter 88 of the Code of Virginia, in relation to sealers of weights and measures. Referred to the committee on offices and officers at the capitol.

By Mr. HARRISON: A bill to repeal chapter 327 of the Acts of Assembly of 1883-4, in relation to fences in the Little mill election district in the county of Sussex. Referred to the committee on counties, cities and towns.

By Mr. OPIE: A bill to refund a fine imposed upon Crawford & Lalley by the city court of Staunton. Referred to the committee on finance.

By Mr. GRATTAN: A bill to authorize T. N. Sillers and Charles Armintrout, trustees invested with legal title to certain church property in the town of McGaheysville in the county of Rockingham, to institute suit for the sale of said property or partition of the same. Referred to the committee for courts of justice.

By Mr. EVANS of *Richmond city*: A bill for the relief of N. M. Lee, sergeant of the city of Richmond. Referred to the committee on finance.

By Mr. MARSHALL: A petition of citizens of Craig county, praying that Stephen Croff may be relieved from payment of a fine. Referred to the committee on finance.

By Mr. SMITH: A bill directing the auditor of public accounts to suspend proceedings against the sureties of George S. Cady, late sheriff of Culpeper county. Referred to the committee on finance.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 123. Senate bill to authorize the Richmond and Alleghany railroad company, or its successor company, to issue preferred stock, and to facilitate the reorganization thereof, was, on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. ANDERSON of *Rockbridge*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 160. House bill to pay Waller R. Staples and John W. Daniel, for professional services rendered the state in the litigation involving the validity of the congressional apportionment act, was, on motion of Mr. GRAVES, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 148. House engrossed bill to provide for securing to the state

money due to it by any of its officers, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 51; nays 19.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William J. Anderson, Barton, Bolen, Burks, Chapman, Crockett, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—51.

**NAYS**—Messrs. Banks, Dodson, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Ross, Scott, and White—19.

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BARTON carry the bill to the Senate and request their concurrence.

No. 147. House engrossed bill to provide for filling a vacancy in the office of attorney-general, was on motion of Mr. BARTON, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 51; nays 19.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bolen, Burks, Chapman, Crockett, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—51.

**NAYS**—Messrs. Banks, Dodson, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Ross, Scott, and White—19.

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BARTON carry the bill to the Senate and request their concurrence.

No. 137. House engrossed bill to provide compensation for the Senate when sitting as a court of impeachment during the recess of the General Assembly, and the expenses incident thereto, was on motion of Mr. BARTON, taken up out of its order on the calendar—yeas 49; nays 20.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Barton, Bolen, Burks, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Hobson, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—49.

**NAYS**—Messrs. Banks, Dodson, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubbard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Richardson, Ross, Scott, and White—20.

The bill was read a third time and passed—yeas 53; nays 21.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bolen, Burks, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—58.

**NAYS**—Messrs. Banks, Dodson, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubbard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Ross, Scott, and White—21.

Mr. STUART moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 99. House bill to increase the usefulness of the department of agriculture, mining and manufacturing, was on motion of Mr. OPIE, taken up out of its order on the calendar and made a special continuing order for to-morrow at 1 o'clock P. M.

No. 157. Senate bill to incorporate the Ladies' Benevolent Society of Danville, Va., was on motion of Mr. KEEN, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. KEEN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 107. House bill to amend and re-enact section one of an act approved February 25, 1884, entitled an act to allow mileage to jurors, was on motion of Mr. PRETLOW, taken up out of its order on the calendar.

The bill was read a second time.

On motion of Mr. PRETLOW, the bill was amended by adding as an independent section, the following:

"This act shall be in force from its passage."

The bill, as amended, was ordered to be engrossed.

No. 37. House joint resolution authorizing the governor of Virginia to pay George H. Bagwell for services rendered in establishing the boundary line between Virginia and Maryland, was on motion of Mr. WESCOTT, taken up out of its order on the calendar.

The joint resolution was read a third time and agreed to—yeas 59; nays 7.

The vote required by the constitution, was recorded as follows:

**AYES**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Banks, Barton, Bolen, Burks, Chapman, Crockett, Curtis, Dodson, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Garnett, Grattan, Graves, Armistead Green, Griggs, Hazlewood, Hobson, Hubbard, Keen, Kelly, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moorefield, S. P. Mustard, W. G. Mustard, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Pretlow,

Robertson, Ryan, Scott, Seay, Smith, Soule, Stribling, Trigg, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—59.

NAYS—Messrs. Gee, Harrison, McCandlish, Mauck, Ross, John W. Vaughan, and White—7.

Mr. EVANS of *Middlesex*, moved to reconsider the vote by which the joint resolution was agreed to; which motion was rejected.

No. 171. House bill to provide for the inspection of mines and appointment of inspector of mines, was on motion of Mr. MUSTARD of *Tazewell*, taken up out of its order on the calendar.

The bill was read a second time.

On motion of Mr. MUNFORD, the bill was passed by and ordered to be printed.

No. 156. House bill to amend section six of an act approved March 4, 1884, entitled an act for the preservation of oysters and to obtain a revenue for the privilege of taking them from the waters of the commonwealth, as amended by an act approved August —, 1884, was on motion of Mr. WILKINS, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 120. House bill to amend and re-enact an act approved March 6, 1881–2, in reference to the fence law of Dinwiddie and Norfolk counties, was on motion of Mr. HARRIS, taken up out of its order on the calendar.

The bill was read a second time.

Pending the consideration of the bill,

On motion of Mr. MUNFORD, the House adjourned.

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#### THURSDAY, NOVEMBER 20, 1884.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 4; nays 41—no quorum voting.

On motion of Mr. OPIE, the vote was recorded as follows:

YEAS—Messrs. Harrison, McCandlish, Mooklar, and Ross—4.

NAYS—Messrs. Speaker, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Chapman, Curtis, Darst, Echols, A. Browne Evans, Fitzpatrick, Grattan, Graves, Hobson, Jones, Keen, Lawson, Marshall, Mays, David Meade, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Smith, Stribling, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—41.

Mr. ROSS moved a call of the House; which motion was rejected.

Mr. EVANS of *Middlesex*, moved that the House do now adjourn; which motion was rejected—yeas 2; nays 50.

On motion of Mr. OPIE, the vote was recorded as follows:

YEAS—Messrs. McCandlish, and Ross—2.

NAYS—Messrs. Speaker, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Cardwell, Chapman, Crockett, Curtis, Darst, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Marshall, Mays, David Meade, Mooklar, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Stribling, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—50.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 19, 1884.*

The Senate have passed House bills entitled an act to incorporate the Bishop Payne divinity and industrial school in Virginia, No. 119; an act to relieve R. J. Caldwell from the payment of a fine, No. 7; and an act for the relief of John McClure, No. 61.

They have passed, with an amendment, House bill entitled an act to amend and re-enact section 6 of chapter 80 of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia, No. 71.

They have passed Senate bills entitled an act fixing the times for holding the circuit courts in the fifteenth judicial circuit, No. 130; an act to incorporate the Virginia conference seminary, of the city of Roanoke, No. 22; an act to amend and re-enact section fifth, chapter three hundred, Acts of 1879-80, as amended by an act approved April 18, 1882, in relation to the charter of the Consolidated Southern railway company, No. 94; and an act to authorize the Shenandoah valley agricultural society to borrow money, and to secure the same by its bonds and deeds of trust, No. 148.

They have passed Senate joint resolution authorizing the commissioners of the sinking fund to employ counsel in certain cases, No. 152.

And they have agreed to the amendments proposed by the House of Delegates to Senate bill entitled an act to amend and re-enact section 4 of chapter 182 of the Code as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment liens, No. 42.

In which amendment, joint resolution and bills they respectfully request the concurrence of the House of Delegates.

No. 71. House bill was read twice, and placed on the calendar, the rule having been suspended, on motion of Mr. TRIGG, requiring its reference to a committee.

Nos. 130, 94, 22, 148 and 152, were read twice, and placed on the calendar, the rule having been suspended, on motions severally made, requiring their reference to committees.

The following Senate bills, reported from the committee on counties, cities and towns, were read a first time:

No. 82. Senate bill to confer additional powers upon the city council of Lynchburg.

No. 86. Senate bill to amend and re-enact section 48 of the charter of the city of Roanoke.

No. 105. Senate bill to provide for a new registration of the voters in certain precincts in the county of Surry, reported from the committee of privileges and elections, was read a first time.

The following Senate bills, reported from the committee on finance, were read a first time:

No. 99. Senate bill for the relief of O. B. Thomas, treasurer of Fluvanna county.

No. 121. Senate bill granting relief to V. G. Dunnington, treasurer of Lynchburg, from certain judgments for costs under coupon proceedings against him.

No. 58. Senate bill to prevent the spreading of diseases among domestic animals, reported from the committee of propositions and grievances, was read a first time.

The following House bills, reported from the committee on finance, were read a first time:

No. 182. House bill for the relief of Charles H. Hart, late treasurer of Isle of Wight county.

No. 183. House bill for the relief of A. J. Angel.

No. 184. House bill to provide for taking the sense of the qualified voters of the commonwealth, on the question of a constitutional convention, reported from the committee for courts of justice, was read a first time.

Mr. MEADE of *Scott*, under a suspension of the rule, presented

No. 185. House bill to amend section 12 of chapter 259 of the Acts of 1883-4, entitled an act to provide for the working of roads and the repairing of bridges in the county of Scott, which was read a first time.

On motion of Mr. ECHOLS,

Resolved, That when this House adjourns, it adjourn to meet at 7½ o'clock P. M.

Mr. ECHOLS moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

Leave of absence was granted Mr. KELLY for two days; and indefinite leave to Mr. GRAVES.

The following were presented and referred under rule 37:

By Mr. LEIGH: A bill for the relief of the heirs of Martha C. Ball. Referred to the committee on finance.

By Mr. DARST: A bill to amend and re-enact an act approved March 17, 1884, entitled an act for the relief of the sureties of Charles W. Walker, late treasurer of Giles county, Va. Referred to the committee on finance.

By Mr. STUART: A bill to require security for costs to be given by plaintiffs in suits for divorce. Referred to the committee for courts of justice.

The morning hour having expired, the House proceeded to the consideration of business on the calendar.

Mr. KELLY moved to take up out of its order on the calendar No. 127, House bill for the relief of the sureties of J. L. F. Campbell; which motion was rejected—yeas 30; nays 31.

On motion of Mr. TRIGG, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Burks, Christian, Crockett, Curtis, Dunlop, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Graves, Griggs, Harrison, Keen, Kelly, Leftwich, Charles C. Meade, Moorefield, W. G. Mustard, Overby, Ross, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Winn, and Whitehead—30.

NAYS—Messrs. Bolen, Chapman, Dodson, Echols, Gee, Grattan, Armistead Green, Jones, Lawson, Leigh, Loving, McCandlish, Marshall, Mays, David Meade, Mooklar, Munford, Opie, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Wilkins, and White—31.

The motion made by Mr. ECHOLS, to reconsider the vote by which No. 73, House engrossed bill for the relief of the Shenandoah Valley agricultural society was rejected, was agreed to.

The question recurring on the passage of the bill, was put and decided in the affirmative—yeas 54; nays 12.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Griggs, Harris, Harrison, Hobson, Hubbard, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Charles C. Meade, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Wescott, Wilkins, and Whitehead—54.

NAYS—Messrs. William A. Anderson, Burks, Fitzpatrick, Gee, Grattan, Graves, McCandlish, Mooklar, Ross, John W. Vaughan, Winn, and White—12.

On motion of Mr. BARTON, the title was amended by adding "and certain other agricultural societies."

Ordered, That Mr. BARTON carry the bill to the Senate, and request their concurrence.

The motion of Mr. EVANS of *Middlesex*, to reconsider the vote by which No. 60, House bill for the protection of cotton planters of the state of Virginia, was rejected, was agreed to.

The question recurring on the passage of the bill, was put and decided in the negative.

The motion entered by Mr. PETERS, to reconsider the vote by which No. 108, Senate bill for the relief of Swinfield Stanley, late sheriff of Henry county, and his sureties, was ordered to its third reading, was agreed to.

The motion entered by Mr. PETERS, to reconsider the vote by which the substitute proposed by the committee on finance was agreed to, was agreed to.

On motion of Mr. PETERS, the substitute was amended by striking out in lines 11 and 12 of the preamble the following:

"Which said sum of fifteen hundred dollars, less his commission, was duly paid over by said Anderson to the commonwealth."

The substitute, as amended, was ordered to its third reading.

The hour of 1 o'clock having arrived,

Special order, No. 97, House bill for the protection of fish above tide-water, was on motion of Mr. RYAN, postponed.

Special order, No. 99, House bill to increase the usefulness of the department of agriculture, mining and manufacturing, came up.

Mr. ECHOLS moved to postpone the special order until to-night at 7½ o'clock P. M.

Mr. CARDWELL moved to amend the motion by striking out "7½ o'clock P. M.," and inserting "to-morrow at 1 o'clock P. M.," which was agreed to.

The motion of Mr. ECHOLS, as amended, was agreed to.

No. 9. Senate bill entitled an act to authorize the Seaboard and Roanoke railroad company to invest in, and operate railroads and transportation lines in this and other states (unfinished business), came up.

Mr. DUNLOP moved to amend the bill, by adding at the end of first section, the following:

"Provided that before this act shall be in force, the said Seaboard railroad shall contract with the board of public works, that said railroad company, and all other lines of railroads that may be, or may come under the control of said railroad, and especially the Raleigh and Gaston railroad, shall comply with the requirements of chapter 61 of the Code of Virginia, 1873, sections 23, 24 and 26, as amended by the act approved March 31, 1875, and all other acts intended to regulate freight charges applicable to railroads generally"; which was rejected.

Mr. CARDWELL moved to amend the bill by adding at end of first section the following:

"Provided that said railroad company shall accept the provisions of this act with the understanding that their property shall be taxed as other property of the state, otherwise this act shall be null and void."

Mr. ANDERSON of *Pittsylvania*, moved as a substitute for the amendment offered by Mr. CARDWELL, the following:

"Provided that no property acquired by the Seaboard and Roanoke railroad company under the provisions of this act, and no rolling stock used by said company upon any lines of railway, leased or otherwise acquired by it under the provisions of this act, shall ever be exempt from state, county, and municipal taxation, nor shall the tracks and road-bed, sidings, and other real estate owned by said

company in this state ever be exempt from state, county, or municipal taxation"—

Which was rejected.

Mr. BARTON moved to amend the bill by striking out the words "other than such as is used for the tracks, sidings, and depots, be ever exempt from taxation," and insert the words "other than such as may be determined by law to be exempt from taxation"; which was agreed to—yeas 40; nays 30.

On motion of Mr. CURTIS, the vote was recorded as follows:

**YEAS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, Ellis, Thomas J. Evans, Fitzpatrick, Gee, Grattan, Graves, Hobson, Hubbard, Keen, Kelly, Leftwich, Leigh, Loving, McCandlish, Moon, Moorefield, Munford, Nance, Paxton, Peters, Richardson, Robertson, Ross, Smith, Trigg, John W. Vaughan, R. F. Vaughan, Ward, and Wescott—40.

**NAYS**—Messrs. Speaker, Banks, Darst, Dodson, Echols, A. Browne Evans, Armistead Green, Harris, Jones, Lawson, Marshall, Charles C. Meade, David Meade, Mooklar, W. G. Mustard, Noblin, Opie, Overby, Parker, Porter, Pretlow, Ryan, Seay, Soule, Stribbling, Tabb, Wilkins, Winn, White, and Whitehead—30.

The amendment offered by Mr. CARDWELL was rejected.

The bill was ordered to its third reading.

Mr. DUNLOP moved to reconsider the vote by which the bill was ordered to its third reading; which motion was rejected—yeas 31; nays 36.

On motion of Mr. CURTIS, the vote was recorded as follows:

**YEAS**—Messrs. R. J. Anderson, Cardwell, Chapman, Christian, Curtis, Dunlop, Ellis, Thomas J. Evans, Fitzpatrick, Gee, Graves, Hazlewood, Hobson, Hubbard, Keen, Leftwich, Leigh, Loving, McCandlish, Mays, Mooklar, Moorefield, Nance, Peters, Richardson, Robertson, Ross, Trigg, John W. Vaughan, R. F. Vaughan, and White—31.

**NAYS**—Messrs. Speaker, William A. Anderson, Banks, Barton, Bolen, Crockett, Darst, Echols, A. Browne Evans, Grattan, Harris, Jones, Kelly, Lawson, Marshall, Charles C. Meade, David Meade, Moon, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Porter, Pretlow, Ryan, Seay, Smith, Soule, Stribbling, Tabb, Ward, Wescott, Wilkins, and Whitehead—36.

The SPEAKER laid before the House, a communication from the governor in response to a resolution of the House, in relation to certain property at Old Point Comfort.

The communication was referred to the committee for courts of justice.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the following resolution:

Resolved, That a second committee of conference consisting of three on the part of the Senate, and five on the part of the House, be appointed on the disagreeing votes of the two Houses, on House bill No. 3, (to provide for the assessment of real estate in this state, in the year 1885, and every fifth year thereafter,) the Senate having disagreed to the report of the first committee of conference.

The SPEAKER laid the resolution before the House.

The resolution was agreed to.

The SPEAKER appointed Messrs. MEADE of *Clarke*, SMITH, DARST, WINN, and HARRIS, as the committee on the part of the House.

A message was received from the Senate by their clerk, who informed the House that the Senate had disagreed to the amendment of the House to Senate bill entitled an act requiring the officers in charge of the public institutions which drew appropriations from the state, to make quarterly fiscal reports to the board of public works, No. 69.

Mr. ECHOLS moved to postpone the calendar for five minutes; which was agreed to—yeas 43; nays 19.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Christian, Crockett, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Grattan, Graves, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moorefield, Opie, Overby, Paxton, Peters, Porter, Robertson, Ryan, Smith, Soule, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and Whitehead—43.

NAYS—Messrs. Chapman, Dodson, Gee, Armistead Green, Harris, Harrison, Hazlewood, Hubard, Kelly, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Noblin, Parker, Richardson, Ross, and White—19.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 13; nays 47.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

YEAS—Messrs. Chapman, Dodson, Gee, Armistead Green, Harris, Hazlewood, Hubard, McCandlish, Mooklar, W. G. Mustard, Nance, Parker, and Ross—13.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Christian, Crockett, Darst, Echols, A. Browne Evans, Thomas J. Evans, Grattan, Graves, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Soule, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—47.

On motion of Mr. ECHOLS, the chair was vacated until 8 o'clock, P. M.

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### EVENING SESSION.

The chair was resumed at 8 o'clock, P. M.

No. 181. House joint resolution to take such steps as may be necessary to determine the right of James G. Field, late attorney-general, to money drawn from the treasury, and to recover the same if he is not entitled thereto, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The joint resolution was read a second time and ordered to be engrossed.

No. 157. House bill authorizing the governor to loan to the Fishburne military school at Waynesboro', arms, was, on motion of Mr. ECHOLS, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 122. House bill to provide compensation to the clerks of county and corporation courts for making records of delinquent lands, and receiving payment of taxes on same, was, on motion of Mr. BOLEN, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

On motion of Mr. GRAVES, the House proceeded to the consideration of House engrossed bills.

No. 74. House engrossed bill substituting a board of railroad commissioners for the present railroad commissioners of the state, and defining the duties and powers of such board, and repealing the act of March 31, 1877, in reference to the said commissioner, came up.

Mr. HUBARD moved to pass by the bill and print; which was rejected.

The bill was read a third time and rejected—yeas 47; nays 14.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Grattan, Graves, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Wescott, Wilkins, and Whitehead—47.

NAYS—Messrs. Dodson, Gee, Armistead Green, Griggs, Harris, Harrison, Hubard, Keen, McCandlish, Charles C. Meade, Moon, W. G. Mustard, Ross, and White—14.

Mr. MOON moved to reconsider the vote by which the bill was rejected.

Mr. GRAVES moved to pass by the motion to reconsider; which motion was agreed to.

The following House engrossed bills were read a third time and passed:

No. 127. House engrossed bill for the relief of J. L. F. Campbell—yeas 57; nays 3.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bishop, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Grattan, Graves, Armistead Green, Griggs, Harris, Harrison, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pretlow, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, White, and Whitehead—57.

NAYS—Messrs. Hubard, McCandlish, and Robertson—3.

Mr. TRIGG moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 132. House engrossed bill to amend and re-enact sections 13 and 48 of an act entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them from the waters of the commonwealth.

Mr. WESCOTT moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 142. House engrossed bill to expedite the building of the Iron Belt railroad in part.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 145. House engrossed bill to authorize the Rockbridge artillery company to adopt a uniform for its members.

On motion of Mr. ANDERSON of *Rockbridge*, the title was amended by adding the words "Danville Greys of the city of Danville."

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 115. House engrossed bill fixing the time for holding the circuit courts of the fifteenth judicial circuit.

Mr. CROCKETT moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 125. House engrossed bill to incorporate the town of Orkney Springs in the county of Shenandoah.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 139. House engrossed bill for the protection of fish in Back bay in Princess Anne county, Virginia.

Mr. WHITEHEAD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 129. House engrossed bill for the relief of John W. Green and his deputies.

Mr. ECHOLS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 78. House engrossed bill to repeal sections 106 and 107 of chapter 1 of an act passed March 15, 1884, relating to the assessment of taxes upon persons and property, etc.

On motion of BARTON, the title was amended so as to read as follows:

"To amend and re-enact section 106 of an act entitled an act to provide for the assessment of taxes on persons, property, incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884."

Mr. BARTON moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 150. House engrossed bill for the relief John T. W. Custis,

late commissioner of the revenue of Northampton county—yeas 60; nays 1.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, Barton, Bishop, Bolen, Burks, Chapman, Christian, Curtis, Darst, Dodson, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gee, Grattan, Graves, Armistead Green, Griggs, Harrison, Hobson, Hubbard, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ross, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wilkins, Winn, White, and Whitehead—60.

**NAYS**—Mr. Wescott—1.

On motion of Mr. ECHOLS, the title was amended by adding the following words: “and William J. Euritt, late commissioner of the revenue for Augusta county.”

Mr. WILKINS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 155. House engrossed bill in regard to the compensation of collector of taxes, &c.—yeas 53; nays 8.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Gee, Grattan, Graves, Armistead Green, Griggs, Harris, Harrison, Hobson, Hubbard, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Opie, Overby, Paxton, Peters, Pretlow, Robertson, Seay, Smith, Soule, Tabb, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—58.

**NAYS**—Messrs. Kelly, McCandlish, Noblin, Ross, Stribling, Trigg, John W. Vaughan, and White—8.

On motion of Mr. GRAVES, the title was amended so as to read as follows:

“To amend and re-enact section 30 of an act entitled an act to amend and re-enact an act prescribing the duties, powers, liabilities, and compensation of certain county officers, providing for the collection of taxes, and for the repeal of chapters 37 and 46, Code of 1873, approved March 29, 1875, as amended by an act approved March 29, 1876, amending sections 15 and 30, and by an act approved the same day, amending section 47, and by an act approved March 20, 1877, and by an act approved April 2, 1877, amending the 18th and 20th sections, and by an act approved on the same day, amending the 30th section, and by three several acts approved March 12, 1878, amending the 7th, 6th, and 29th sections of said first mentioned act, and to repeal all acts and parts of acts inconsistent herewith.”

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 160. House engrossed bill to pay to Waller R. Staples and John W. Daniel, for professional services rendered the state in the

litigation involving the validity of the congressional apportionment act—yeas 52; nays 11.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—52.

**NAYS**—Messrs. Dodson, Armistead Green, Griggs, Harris, Harrison, Hubbard, McCandlish, Charles C. Meade, W. G. Mustard, Ross, and White—11.

Mr. ECHOLS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 107. House engrossed bill to amend and re-enact section one of an act approved February 20, 1884, entitled an act to allow mileage to jurors—yeas 56.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bishop, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gee, Griggs, Harris, Harrison, Hubbard, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, W. G. Mustard, Noblin, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ross, Seay, Smith, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wilkins, Winn, White, and Whitehead—56.

Mr. PRETLOW moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 156. House engrossed bill to amend section 6 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them from the waters of the commonwealth, as amended by an act approved August —, 1884, came up.

Mr. ROSS moved to pass by the bill and print; which motion was rejected.

The bill was read a third time and passed.

Mr. WILKINS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 138. Senate bill entitled an act to amend and re-enact an act entitled an act to provide for working of roads in the counties of Chesterfield, Powhatan, and Goochland, approved March 3, 1884, was on motion of Mr. BAKER, taken up out of its order on the calendar.

On motion of Mr. VAUGHAN of *Goochland*, the bill was amended so as not to apply to the county of Goochland.

The bill as amended, was ordered to its third reading.

Mr. KELLY moved to take up out of its order on the calendar, No. 35. House bill to amend and re-enact sections 2, 7, 9, 18, 20, 22 and

24 of chapter 1 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, and providing for the reduction of taxes on real and personal property for the year 1885; which motion was rejected—yeas 36; nays 27—not two-thirds voting in the affirmative.

On motion of Mr. KELLY, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, Bishop, Bolen, Burks, Chapman, Crockett, Curtis, Dodson, A. Browne Evans, Gee, Graves, Griggs, Harris, Harrison, Hubard, Jones, Keen, Kelly, Leigh, McCandlish, Mays, Charles C. Meade, W. G. Mustard, Paxton, Peters, Porter, Robertson, Ross, Soule, Trigg, John W. Vaughan, Wescott, Wilkins, Winn, White, and Whitehead—36.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Christian, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Grattan, Lawson, Loving, Marshall, David Meade, Moorefield, Munford, Noblin, Opie, Overby, Pretlow, Ryan, Seay, Smith, Stribling, Tabb, and R. F. Vaughan—27.

On motion of Mr. GRAVES, the House proceeded to the consideration of bills on their second reading.

No. 44. House bill to regulate the payment of fees to jailors, was on motion of Mr. TRIGG, committed to the committee for courts of justice.

No. 41. House bill for the working of roads in the county of Chesterfield, was on motion of Mr. BAKER, dismissed.

No. 83. House bill to provide for working the public roads in the county of Henry, was on motion of Mr. PETERS, dismissed.

No. 86. House bill to amend chapter 564 of Acts of Assembly, 1883-4, entitled an act authorizing the board of supervisors of the county of Norfolk to levy a tax of ten cents on every hundred dollars' valuation of real and personal property for road purposes, was on motion of Mr. TABB, dismissed.

No. 89. House bill to regulate the compensation of the clerks of the county and district school boards of Norfolk county, was, on motion of Mr. TABB, passed by.

No. 51. House bill to authorize the Seaboard and Roanoke railroad company to invest in and operate railroad and transportation lines in this and other states, was, on motion of Mr. PORTER, passed by.

No. 45. House bill appropriating nine thousand and five hundred dollars to furnish water and purchase fire apparatus for the Eastern lunatic asylum, was, on motion of Mr. ANDERSON of *Rockbridge*, passed by.

No. 43. House bill to amend and re-enact section 25 of chapter 58 of the Code of 1873, in regard to in what banks the moneys of the state is to be kept, was, on motion of Mr. ANDERSON of *Rockbridge*, passed by.

The following House bills were read a second time and ordered to be engrossed:

No. 39. House bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan and Goochland, as relates to the county of Powhatan, and to apply the general law to the said county.

No. 85. House bill to change the name of Forster's store voting precinct, in Culpeper county, to that of Richardsville voting precinct.

No. 90. House bill to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to secure to tax-payers in cities and towns the right of public school education for their children, approved March 17, 1884, was read a second time.

On motion of Mr. HUBARD, the bill was amended by striking out the words "owning real estate."

Mr. PRETLOW moved to amend the bill by adding "provided that any person owning property in such city not so entitled to send their children to school in such cities, shall not pay a school tax in such city"; which was rejected.

The bill, as amended, was ordered to be engrossed.

On motion of Mr. MUNFORD, the House adjourned.

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### FRIDAY, NOVEMBER 21, 1884.

Mr. CHAPMAN moved to dispense with the reading of the Journal; which motion was agreed to—yeas 48; nays 6.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bolen, Burks, Chapman, Crockett, Curtis, Darst, Dunlop, Echols, Thomas J. Evans, Fitzpatrick, Gordon, Graves, Hazlewood, Keen, Kelly, Lawson, Loving, Marshall, David Meade, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Seay, Smith, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Winn, and Whitehead—48.

**NAYS**—Messrs. Banks, Garnett, Harris, Hubard, McCandlish, and White—6.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 20, 1884.*

The Senate have passed House bills entitled an act to provide for securing to the state money due to it by any of its officers, No. 148; an act to provide for filling a vacancy in the office of attorney-general, No. 147; an act to amend and re-enact section 18 of an act to amend and re-enact the charter of the town of North Danville, approved March 7, 1884, No. 81; an act to incorporate the town of Stuart in the county of Patrick, No. 80; an act to amend section 53, chapter 167 of Code of 1873, as amended by act approved Feb-

ruary 12, 1884, in relation to orders and decrees, No. 108; an act to incorporate the Old Dominion accident insurance and guarantee company, No. 114; an act to authorize county surveyors to administer oaths and affirmations, No. 64; an act providing local option for Lunenburg county, No. 117; an act to incorporate the town of Lynch's Station in the county of Campbell, No. 88; an act to provide the manner in which the Nelson improvement company may obtain a license to operate its telephone, and fix the amount to be paid therefor, No. 75; an act to authorize the receiver in the case of the Holmes Presbyterian church of Northampton versus the New York, Philadelphia, and Norfolk railroad company, to pay money to the trustees of said church, No. 58; an act for the relief of the tax-payers of Alleghany county, No. 31; an act for the relief of Mrs. Martha S. Slaughter of the county of Charlotte, No. 116; an act for the relief John W. Richardson, treasurer of Smith county, No. 111; an act to allow David E. Bass, late treasurer of Campbell county, further time to return lists of insolvents and delinquents, No. 77; and an act to amend and re-enact sections 2 and 14 of an act approved March 3, 1884, entitled an act to provide for working the public roads in the county of Grayson, No. 38.

They have passed with amendments, House bills entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerks of circuit courts, in force March 17, 1884, No. 67; an act to amend and re-enact an act to provide for a general index to deeds, wills, and fiduciary accounts, approved March 29, 1877, No. 65; and an act for the relief of the estate of C. H. Lynch of Campbell county, No. 79.

They have rejected House bill entitled an act exempting farmers from jury service during cutting or curing tobacco, No. 123.

They have passed Senate bills entitled an act to authorize the Richmond and Danville railroad company, to increase the number of its directors, No. 161; an act granting relief to J. L. McIntosh, treasurer of Loudoun county, No. 153; an act to amend section 15, chapter 20 of the Code of 1873, in regard to the doorkeeper to the executive, messenger to the governor, and secretary of the commonwealth, No. 118; an act to amend section 11 of chapter 7 of the Code of 1873, in regard to registration of voters, No. 109; an act to amend and re-enact an act approved August 27, 1884, entitled an act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts 1881-2, approved February 14, 1882, No. 75; an act to incorporate the Farmers bank of Hicksford, No. 131; and an act to require banks incorporated within the commonwealth of Virginia, to make stated reports to the auditor of public accounts, No. 146.

And they have agreed to the amendment proposed by the House of Delegates, to Senate bill entitled an act in relation to an increase of the compensation of the clerk of Greenville and other counties, No. 49.

In which amendments and bills they respectfully request the concurrence of the House of Delegates.

Nos. 67, 79, and 65. House bills returned from the Senate with amendments, were placed on the calendar, the rule having been suspended on motions severally made requiring their reference to committees.

No. 146. Senate bill, was read twice and referred to the committee on banks, currency, and commerce.

No. 118. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. BARTON, requiring its reference to a committee.

No. 161. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. PETERS, requiring its reference to a committee.

No. 131. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. BANKS, requiring its reference to a committee.

No. 153. Senate bill, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. RYAN, requiring its reference to a committee.

No. 109. Senate bill, was read twice.

Mr. EVANS of *Richmond city*, moved to suspend the rule requiring a reference of the bill to a committee and place it upon the calendar; which motion was agreed to—yeas 48; nays 13.

On motion of HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Dunlop, Echols, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Whitehead—48.

**NAYS**—Messrs. Banks, Bishop, Dodson, Gee, Armistead Green, Harrison, Hazlewood, Hubard, McCandlish, Mooklar, W. G. Mustard, Parker, and White—13.

No. 75. Senate bill entitled an act to amend and re-enact an act approved August 27, 1884, entitled an act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts 1881-2, approved February 14, 1882, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. GRATTAN, requiring its reference to a committee.

No. 69. Senate bill entitled an act requiring the officers in charge of the public institutions which draw appropriations from the state, to make quarterly fiscal reports to the board of public works, was referred to the committee on finance.

The following House bills, reported from the committee for courts of justice, were read a first time:

No. 186. House joint resolution in relation to employing of counsel to investigate and assert the rights of the state in the Old Point Comfort property.

No. 187. House bill to require surety for costs to be given by plaintiff in suits for divorce.

No. 188. House bill to regulate the practice of pharmacy in the state of Virginia, reported from the committee of propositions and grievances, was read a first time.

No. 189. House bill to empower the University of Virginia to contract a loan, reported from the committee on schools and colleges, was read a first time.

No. 190. House bill authorizing the voters of Wakefield magisterial district, in Rappahannock county, to vote on subscription to Fauquier and Rappahannock railroad company, reported from the committee of privileges and elections, was read a first time.

The following House bills, reported from the committee on finance, were read a first time:

No. 191. House bill to amend and re-enact an act approved March 17, 1884, entitled an act for the relief of the sureties of Charles W. Walker, late treasurer of Giles county, Virginia.

No. 192. House bill for the relief of the heirs of Martha C. Ball.

No. 193. House bill for the relief of R. T. Scott from the payment of a fine.

Mr. VAUGHAN of *Grayson*, under a suspension of the rule, presented

No. 194. House bill for a more effectual settlement of the state debt of Virginia; which was read a first time.

Mr. STUART, under a suspension of the rule, presented

No. 195. House bill for the relief of Dr. W. B. K. Price; which was read a first time.

Mr. MARSHALL offered the following resolution:

Resolved, That the chair be vacated at 2½ o'clock and resumed at 7½ o'clock P. M. to-day.

The resolution was agreed to—yeas 42; nays 21.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Dunlop, Echols, A. Browne Evans, Fitzpatrick, Gordon, Grattan, Graves, Keen, Lawson, Leigh, Loving, Marshall, Mays, Mooklar, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Soule, Stribling, Tabb, John W. Vaughan, Ward, and Whitehead—42.

NAYS—Messrs. Banks, Bishop, Curtis, Dodson, Garnett, Gee, Grandstaff, Armistead Green, Griggs, Harrison, Hazlewood, Hubard, Jones, Kelly, Leftwich, McCandlish, Charles C. Meade, W. G. Mustard, Parker, Wilkins, and White—21.

Leave of absence was granted Mr. PRETLOW one day, and indefinite leave for Messrs. FITZPATRICK and MAYS.

The following were presented and referred under rule 37:

By Mr. PETERS: Petition of citizens of Henry county, asking the repeal of the law making Smith's river, between certain points, not a lawful fence. Referred to the committee on counties, cities and towns.

By Mr. ECHOLS: Petition of citizens of Middle river magisterial district, in the county of Augusta, praying for redress in a certain

free school controversy. Referred to the committee on schools and colleges.

By Mr. GRANDSTAFF: A bill to amend and re-enact section one of an act entitled an act to incorporate the town of New Market, in the county of Shenandoah. Referred to the committee on counties, cities and towns.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to a concurrent resolution as follows:

Resolved (the House of Delegates concurring), That they will proceed to elect a judge of the county court for Hanover at 1 o'clock to-day.

The Senate resolution was agreed to.

Mr. MOON moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

The morning hour having expired, the House proceeded to the business on the calendar:

No. 181. House joint resolution to take such steps as may be necessary to determine the rights of James G. Field, late attorney-general, to money drawn from the treasury, and to recover the same if he is not entitled thereto, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The joint resolution was read a third time and agreed to—yeas 46; nays 15.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bolen, Burks, Chapman, Christian, Crockett, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Graves, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Whitehead—46.

**NAYS**—Messrs. Banks, Bishop, Dodson, Garnett, Gee, Grandstaff, Armistead Green, Griggs, Harrison, Hubard, McCandlish, Charles C. Meade, Mooklar, Parker, and White—15.

Mr. BARTON moved to reconsider the vote by which the joint resolution was agreed to; which motion was rejected.

Ordered, That Mr. BARTON carry the resolution to the Senate, and request their concurrence.

The motion made by Mr. MOON to reconsider the vote by which No. 74, House engrossed bill substituting a board of railroad commissioners for the present railroad commissioner of the state, and defining the duties and powers of such board, and repealing the act of March 31, 1877, in reference to the said commissioner, was rejected, came up.

On motion of Mr. MOON, the motion to reconsider was passed by.

No. 120. House bill to amend and re-enact an act approved March 6, 1882, in reference to the fence law of Dinwiddie and Norfolk counties, unfinished business, came up.

The bill was ordered to be engrossed.

No. 46. House engrossed resolution to elect county school commissioners to fill vacancies which have occurred in the county school trustee electoral board of their several counties, came up.

On motion of Mr. ANDERSON of *Rockbridge*, the amendment of the Senate was amended as follows:

Add to Senate amendment the following:

"R. P. James for James City county to fill vacancy occasioned by resignation of William A. Meanley."

"B. A. Wilson, James E. Clark, and H. E. Gray, for Cumberland county."

"A. Alexander for Rockbridge county, in the place of W. H. Ruffner, resigned."

"Fielding Cornett for Grayson county."

"James S. Eddins for Green county."

"A. W. Buchner and Charles Tatum for Madison county."

"James E. Kilgro for Princess Anne county."

"C. L. Miller for Henrico county."

Strike out of Senate amendment the words:

"Strike out for Nottoway county, the names: R. W. Sydnor, Thomas H. Vaughn, and J. M. Morton, and insert in lieu thereof, John G. Powell"; and in lieu of said words of Senate amendment, insert the following:

"Strike out for Nottoway county, the name of R. W. Sydnor, and insert in lieu thereof, John G. Powell."

The amendments of the Senate as amended, were agreed to.

A report was presented as follows:

The committee of conference appointed to consider the difference of the two houses upon House bill, No. 3, beg leave to report, that after conference they have failed to agree upon any recommendation to the two houses, and cannot agree, and therefore beg to be discharged from the further consideration of the subject.

JOHN R. THURMAN,  
*Chairman Senate Committee.*

DAVID MEADE,  
*Chairman House Committee.*

The report was agreed to.

The amendments proposed by the Senate to the following House bills were agreed to:

No. 71. House bill to amend and re-enact section 6 of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia.

No. 65. House bill to amend and re-enact an act to provide for a general index to deeds, wills, and fiduciary accounts, approved March 29, 1877.

No. 67. House bill to amend an act entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerks of circuit courts, in force March 17, 1884.

No. 79. House bill for the relief of the estate C. H. Lynch, of Campbell county.

Motions severally made by Messrs. MOON, FITZPATRICK, GRAVES, and EVANS of *Middlesex*, to reconsider the votes by which House engrossed bills Nos. 71, 65, 67, and 79 were passed, were rejected.

No. 108. Senate bill entitled an act for the relief of Swinefield Stanley, late sheriff of Henry county, and his sureties, was read a third time and passed—yeas 53; nays 1.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bishop, Burks, Cardwell, Christian, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Grattan, Armistead Green, Harris, Hazlewood, Hobson, Keen, Lawson, Leigh, Loving, Marshall, David Meade, Mooklar, Moon, Moorefield, Munford, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and White—53.

NAYS—Mr. Griggs—1.

Mr. PETERS moved a reconsideration of the vote by which the bill was passed, which motion was rejected.

No. 9. Senate bill to authorize the Seaboard and Roanoke railroad company to invest in and operate railroads and transportation lines in this and other states.

The bill was read a third time and rejected—yeas 33; nays 39.

On motion of Mr. EVANS of *Richmond city*, the vote was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Banks, Barton, Darst, A. Browne Evans, Gordon, Harris, Jones, Lawson, Marshall, Charles C. Meade, David Meade, Moon, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Porter, Pretlow, Ross, Ryan, Seay, Smith, Soule, Stribling, Tabb, Ward, Wescott, Wilkins, and Whitehead—33.

NAYS—Messrs. R. J. Anderson, Baker, Bishop, Cardwell, Chapman, Christian, Curtis, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Garnett, Gee, Grandstaff, Grattan, Graves, Armistead Green, Griggs, Hazlewood, Hobson, Hubard, Keen, Leigh, McCandlish, Mays, Mooklar, Moorefield, Munford, Nance, Powell, Richardson, Robertson, Trigg, John W. Vaughan, R. F. Vaughan, Winn, and White—39.

Mr. CHAPMAN moved to reconsider the vote by which the bill was rejected.

Mr. LAWSON moved to pass by the motion to reconsider; which motion was rejected.

The question recurring on the motion to reconsider, was put and decided in the negative—yeas 33; nays 40.

On motion of Mr. PORTER, the vote was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Banks, Barton, Crockett, Darst, Echols, A. Browne Evans, Gordon, Harris, Jones, Lawson, Marshall, Charles C.

Meade, David Meade, Moon, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Porter, Pretlow, Ross, Ryan, Seay, Soule, Stribling, Tabb, Ward, Wescott, and Whitehead—38.

**NAYS**—Messrs. R. J. Anderson, Baker, Bishop, Cardwell, Chapman, Christian, Curtis, Dodson, Dunlop, Ellis, Thomas J. Evans, Fitzpatrick, Garnett, Gee, Grandstaff, Grattan, Graves, Armistead Green, Griggs, Hazlewood, Hobson, Hubard, Keen, Kelly, Leigh, McCandlish, Mays, Mocklar, Moorefield, Munford, Nance, Peters, Powell, Richardson, Robertson, Trigg, John W. Vaughan, R. F. Vaughan, Winn, and White—40.

No. 91. Senate bill entitled an act to amend the 6th and 7th sections of chapter 95, Acts of 1881-2, entitled an act to incorporate the Atlantic and Danville narrow-gauge railroad company, and to add another section thereto, was read a third time and passed.

No. 50. Senate bill entitled an act for the relief of D. W. Dunn, late treasurer of Bland county and his deputies, was read a third time and passed.

The following Senate bills were read a third time and passed :

No. 83. Senate bill to incorporate the Norfolk and Cape Henry railroad company.

No. 133. Senate bill to amend and re-enact an act entitled an act to provide for working of roads in the counties of Chesterfield, Powhatan and Goochland, approved March 3, 1884.

No. 90. Senate bill entitled an act to erect wharf in Mathews county, was read a third time and passed.

No. 117. Senate bill authorizing the surviving trustees of the Meadville academy to sell property.

No. 92. Senate bill entitled an act to allow George W. Butts to construct a causeway and erect a wharf or pier from the main land of Shackly hill farm to Shackly hill island in the Nansemond river in Nansemond county, and thence to the old channel of said river, for the purpose of shipping and receiving freight and passengers.

Motions severally made to reconsider the votes by which Nos. 83, 133, 90, 117 and 92, Senate bills were passed, were rejected.

Ordered, That Mr. BAKER carry Senate bill No. 113 to the Senate, and request their concurrence.

The hour of one o'clock P. M., having arrived,

Ordered, That Mr. EVANS of *Middlesex*, inform the Senate that the House is ready on its part to proceed to the execution of the joint orders, which have for their object the election of county judges for King & Queen and Hanover.

A message was received from the Senate by Mr. WICKHAM, who informed the House that the Senate was ready on its part.

Mr. EVANS of *Middlesex*, nominated John G. Dew for the office of county judge for King & Queen.

Ordered, That Mr. EVANS of *Middlesex*, inform the Senate that John G. Dew is the only person in nomination in the House.

A message was received from the Senate by Mr. LOVENSTEIN, who informed the House that John G. Dew is the only person in nomination in the Senate.

The roll was called with the following result:

For John G. Dew,	-	-	-	-	61
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The vote was recorded as follows :

For JOHN G. DEW—Messrs. Speaker, William A. Anderson, Baker, Barton, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gee, Gordon, Grattan, Graves, Hazlewood, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Mooklar, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ross, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—61.

The SPEAKER appointed Messrs. KEEN, DARST, and NANCE, the committee on the part of the House.

The committee, subsequently, by their chairman, reported as follows :

Whole number of votes cast,	-	-	84
Necessary to a choice,	-	-	43
John G. Dew received	-	-	84

John G. Dew having received a majority of the whole number of votes cast, was declared duly elected county judge for King & Queen for the term prescribed by law.

Mr. EVANS of *Richmond city*, nominated Richard H. Cardwell for the office of county judge for Hanover.

Ordered, That Mr. STUART inform the Senate that Richard H. Cardwell is the only person in nomination in the House.

A message was received from the Senate by Mr. WICKHAM, who informed the House that Richard H. Cardwell is the only person in nomination in the Senate.

The roll was called with the following result:

For Richard H. Cardwell	-	-	-	62
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The vote was recorded as follows :

For RICHARD H. CARDWELL—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bishop, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Hazlewood, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Mooklar, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, White, and Whitehead—62.

The committee, subsequently, by their chairman, reported as follows:

Whole number of votes cast,	-	-	84
Necessary to a choice,	-	-	43
Richard H. Cardwell received	-	-	84

Richard H. Cardwell having received a majority of the whole number of votes cast, was declared duly elected county judge for Hanover for the term prescribed by law.

Special order No. 97. House bill for the protection of fish in the waters of the commonwealth above tide-water, came up.

On motion of Mr. GRAVES, the bill was amended by making it apply to the county of Augusta only.

On motion of Mr. ECHOLS, the bill was dismissed.

Special order No. 99. House bill to increase the usefulness of the department of agriculture, mining, and manufacturing, came up; pending which,

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had passed No. 103, Senate bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40 and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, notwithstanding the objections of the governor.

The objections of the governor are as follows:

COMMONWEALTH OF VIRGINIA,  
GOVERNOR'S OFFICE,  
RICHMOND, November 21, 1884.

*To the Senate of Virginia:*

I respectfully return to your honorable body without my approval, Senate bill No. 103, entitled "an act to provide for the manner of choosing registrars and judges and clerks of election," &c. My regret is sincere, in feeling again compelled to dissent from a policy which seems to express the fixed views of a majority of the General Assembly. The bill which I now return is identical in substance and effect, with one which I declined to approve at the last session of the Legislature. My objections to this measure are expressed in general but distinct terms in the first message which I sent to your body after my election as governor. A majority of both houses of the General Assembly was then in sympathy with the party which had elected me to the executive chair; and under the law then existing, the county and corporation judges had control of the election machinery of the state.

Discarding then, as I do now, all partisan considerations, at a time when, if injustice should be done, my political associates would have the benefit, I gave to the Legislature my earnest protest against any system which would be open to suspicion. I said then, and repeat now, the possibility of a false return of the popular voice should be estopped if statute law can be framed in language sufficiently specific to accomplish that purpose.

In my first annual message, dated January 6, 1882, under the caption of suffrage, I asked surety for public confidence in an honest ballot in this language:

"In the interest of a full and free expression of the popular will, I recommend a rigid scrutiny and purging of the election laws, many of the provisions of which are subversive of the ends professedly sought. The basis of all republican government is popular content and confidence. Both are secured when the people are satisfied that, having freely sought the ballot-box, their votes have been recorded and returned according to the truth. Any system which is so framed as to admit doubts upon these points must, whether it be honestly or fraudulently administered, breed popular discontent. Elections should as far as possible, take place in sight of the people. I would recommend the passage of mandatory provisions for the appointment of judges of elections from opposing political parties, with penalties attached for failure in the appointing power to observe the requirement; and admitting the presence of representatives of each political party interested in an election, while the vote is received, canvassed, counted and certified."

These words were written when the whole power of the state was practically in the hands of the party by whose votes I had been elected. As the law then stood, the entire control of the election machinery was in the hands of that party. I then insisted, and I do now, that such should not be the case.

I care nothing as to what the appointing power may be. I care only that the appointing power should be directed to make such appointments of registrars and judges as to prevent any obstructions or false returns of the popular will.

The words "if practicable," were included in the original bill, and are repeated in the proposed enactment. Those words and the context have been and can be so construed as to make nugatory all attempts to have different political parties represented in the appointment of registrars and judges of elections. Having no object to subserve but that which may be gathered by what is stated above, I ask of your body a review of your judgment on this bill.

WILLIAM E. CAMERON.

The question being "Will the House after reconsideration agree to pass the bill?"

Mr. ECHOLS moved to pass by the bill; which motion was agreed to—yeas 58; nays 2.

On motion of Mr. MUNFORD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Soule, Stribbling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—58.

**NAYS**—Messrs. Bishop and Smith—2.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to House joint resolution to take such steps as may be necessary to determine the rights of James G. Field, late attorney-general, to money drawn from the treasury, and to recover the same if he is not entitled thereto, No. 181, with an amendment.

The hour of 2½ o'clock P. M. having arrived, the chair was vacated until 7½ o'clock P. M.

### — EVENING SESSION.

The chair was resumed at 7½ o'clock P. M.

Special order No. 99. House bill to increase the usefulness of the department of agriculture, mining and manufacturing, came up.

On motion of Mr. OPIE, the bill was amended by striking out all after the word "state," in thirteenth line of first section, down to end of the section; and by striking out in first and second lines of fifth section, the words "forfeitures and fines."

On motion of Mr. BANKS, the bill was laid on the table—yeas 45; nays 28.

On motion of Mr. OPIE, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, Banks, Barton, Bishop, Bolen, Cardwell, Chapman, Curtis, Darst, Dodson, Dunlop, Ellis, A. Browne Evans, Thomas J. Evans, Garnett, Gordon, Grattan, Armistead Green, Harris, Jones, Keen, Kelly, Lawson, Leigh, Mays, Mooklar, Noblin, Opie, Overby, Parker, Paxton, Peters, Powell, Pretlow, Richardson, Robertson, Ryan, Seay, Smith, Soule, Stribbling, Tabb, Trigg, John W. Vaughan, and R. F. Vaughan—45.

**NAYS**—Messrs. William A. Anderson, Burks, Christian, Crockett, Echols, Fitzpatrick, Gee, Grandstaff, Graves, Duff Green, Grigg, Hazlewood, Leftwich, McCandlish, Marshall, Charles C. Meade, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Nance, Porter, Ross, Ward, Wescott, White, and Whitehead—28.

The SPEAKER laid before the House, No. 181. House joint resolution to take such steps as may be necessary to determine the rights of James G. Field, late attorney-general, to money drawn from the treasury, and to recover the same if he is not entitled thereto.

Mr. BARTON moved to suspend the rule requiring its reference to a committee, which motion was agreed to—yeas 50; nays 22.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, David Meade, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—50.

**NAYS**—Messrs. Banks, Bishop, Brockwell, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hubard, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Parker, Richardson, Ross, and White—22.

The amendment of the Senate was agreed to—yeas 53; nays 18.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Grattan, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Mooklar, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—53.

**NAYS**—Messrs. Bishop, Brockwell, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hubard, McCandlish, Charles C. Meade, W. G. Mustard, Nance, Parker, Richardson, Ross, and White—18.

Mr. BARTON moved to reconsider the vote by which the amendment of the Senate was agreed to, which motion was rejected.

On motion of Mr. STUART the calendar was postponed for ten minutes.

Mr. STUART offered the following concurrent resolution:

Resolved, (the Senate concurring), That the governor be and is hereby requested to take such steps forthwith as are necessary to protect citizens of the commonwealth dredging in the Potomac river, from arrest and prosecution by the state of Maryland; which was agreed to.

Mr. STUART moved to reconsider the vote by which the resolution was agreed to, which motion was rejected.

Mr. STUART, under a suspension of the rule, presented

No. 196. House joint resolution to pay counsel for services to represent parties under arrest in Maryland for dredging in the Potomac river, which was read a first time.

Mr. ANDERSON of *Rockbridge*, under a suspension of the rule, presented

No. 197. House bill to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, en-

titled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-73, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, and defining the duties and powers of the electoral boards created by this act, which was read a first time.

Mr. LOVING, under a suspension of the rule, presented

No. 198. A bill for the relief of certain sureties of Stephen H. Turner, late treasurer of Amherst county, on his official bond, dated 29th June, 1883; which was read a first time.

Mr. MOON moved to reconsider the vote by which No. 74, House engrossed bill substituting a board of railroad commissioners for the present railroad commissioner of the state, and defining the duties and powers of such board, and repealing the act of March 31, 1877, in reference to the said commissioner, was passed by; which motion was agreed to.

The question recurring on agreeing to the motion by Mr. MOON to pass by the bill, was put, and decided in the negative.

The motion made by Mr. MOON, to reconsider the vote by which the bill was rejected, was agreed to.

The question recurring on the passage of the bill, was put, and decided in the affirmative—yeas 57; nays 20.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—57.

NAYS—Messrs. Banks, Bishop, Brockwell, Garnett, Gee, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Charles C. Meade, W. G. Mustard, Nance, Parker, Richardson, Ross, and White—20.

No. 136. House bill to appropriate money to complete the new asylum building near Petersburg, known as the Central lunatic asylum, was, on motion of Mr. EVANS of *Richmond city*, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

Mr. STUART moved that No. 195, House bill for the relief of Dr. W. B. K. Price, &c., be read a second time this day; which was agreed to—two-thirds in the House so determining.

The bill was read a second time and ordered to be engrossed.

No. 171. House bill to provide for the inspection of mines, and appointment of inspector of mines, was, on motion of Mr. MUSTARD of *Tazewell*, taken up out of its order on the calendar.

Mr. ECHOLS moved to lay the bill upon the table; which motion was rejected.

On motion of Mr. CARDWELL, the bill was made a special continuing order for Monday next, at one o'clock P. M.

No. 153. House bill for the relief of the sureties of John F. Jones, late treasurer of Craig county, was, on motion of Mr. MARSHALL, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 153. Senate bill entitled an act granting relief to J. L. McIntosh, treasurer of Loudoun county, was, on motion of Mr. SMITH, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 58; nays 2.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Barton, Bishop, Burks, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, A. Browne Evans, Fitzpatrick, Garnett, Gee, Gordon, Grandstaff, Harrison, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Mooklar, Moon, Morefield, Munford, W. G. Mustard, Nance, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ryan, Seay, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, White, and Whitehead—58.

NAYS—Messrs. Charles C. Meade and Robertson—2.

Mr. RYAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 99. Senate bill entitled an act for the relief of O. B. Thomas, treasurer of Fluvanna county, was, on motion of Mr. SEAY, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. SEAY moved to reconsider the vote by which the bill was passed; which motion was rejected.

Mr. GRAVES moved that No. 196, House joint resolution to pay counsel for services to represent parties under arrest in Maryland for dredging in the Potomac river, be read a second time this day; which motion was agreed to—two-thirds in the House so determining.

The joint resolution was read a second time and ordered to be engrossed.

No. 138. House bill to incorporate the Powhatan oyster company, and to grant it certain privileges, was, on motion of Mr. CHRISTIAN, taken up out of its order on the calendar.

Pending its consideration,

On motion of Mr. BROCKWELL, the House adjourned.

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SATURDAY, NOVEMBER 22, 1884.

Mr. HARRISON moved that the House do now adjourn; which motion was rejected—yeas 10; nays 49.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. Banks, Garnett, Gee, Grandstaff, Harrison, Hubard, McCandlish, Mooklar, Nance, and Ross—10.

NAYS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bishop, Bolen, Burks, Cardwell, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Fitzpatrick, Gordon, Armistead Green, Griggs, Harris, Jones, Keen, Lawson, Leigh, Loving, Marshall, Mays, Charles C. Meade, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Parker, Peters, Porter, Powell, Pretlow, Robertson, Seay, Soule, Stribling, John W. Vaughan, Ward, Wilkins, Winn, White, and Whitehead—49.

Mr. ECHOLS moved to dispense with the reading of the Journal; which was agreed to—yeas 46; nays 23.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Fitzpatrick, Gordon, Grattan, Graves, Jones, Keen, Lawson, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, John W. Vaughan, Ward, Winn, and Whitehead—46.

NAYS—Messrs. Banks, Bishop, Brockwell, Dodson, Garnett, Gee, Gose, Armistead Green, Griggs, Harris, Harrison, Hubard, McCandlish, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Richardson, Ross, Scott, Wheeler, and White—23.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 19; nays 51.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubard, McCandlish, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Ross, Scott, and Wheeler—19.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Winn, and Whitehead—61.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 21, 1884.*

The Senate have passed House bills entitled an act to declare Mud Fork in the county of Tazewell, navigable for a certain distance No. 102; an act to expedite the building of the Iron Belt railroad in part, No. 142; an act to submit to the qualified voters of Northampton county the question of abolishing the present fence law in said county, No. 134; an act for the relief of R. Smith, W. E. Perry, W. P. Cecil, James Thompson, James Harrison, H. R. Bogle, H. S. Brown, J. R. Whitten, and W. W. Harrison, sureties of John Thompson, late sheriff of Tazewell county, No. 112; an act for the relief Charles W. McClaugherty, late sheriff of Giles county, No. 93; an act to amend and re-enact an act approved January 28, 1884, for the relief A. N. Finks, of Madison county, No. 76; an act extending the time for the payment of taxes for the year 1884, in Essex county, No. 100; and an act to incorporate the town of Boykins, No. 87.

They have agreed to House joint resolution authorizing the governor of Virginia to pay George H. Bagwell for services rendered in establishing the boundary line between Virginia and Maryland, No. 37.

They have passed with amendments, House bills entitled an act to amend and re-enact section 4 of an act entitled an act to incorporate the Lynchburg and Southwest railroad company, approved March 7, 1884, No. 17; and an act to amend and re-enact section 1 of an act entitled an act for making and repairing division fences between co-terminous land owners in the counties of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun, and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved April 14, 1884, No. 121.

They have rejected House bills entitled an act to amend and re-enact sections 2 and 3 of an act entitled an act to revise and digest the Code of Virginia, approved March 18, 1884, No. 47; and an act to authorize the trustees of certain church property in Louisa county to sell the same, &c., No. 62.

They have passed Senate bills entitled an act giving authority to the city of Richmond to have control and management of Grove avenue, &c., No. 98; and an act authorizing payment of the amount due the city of Richmond for gas used in the public buildings of the state, No. 127.

They have agreed to the amendments proposed by the House of Delegates to Senate bill entitled an act to amend and re-enact an act entitled an act to provide for working of roads in the counties of Chesterfield, Powhatan, and Goochland, approved March 3, 1884, No. 133.

And they have agreed to the report of the second committee of conference on House bill relating to the assessors of land, No. 3.

In which amendments and bills, they respectfully request the concurrence of the House of Delegates.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 18; nays 52.

On motion of Mr. ELLIS, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubbard, McCandlish, Mooklar, S. P. Mustard, Parker, Richardson, Ross, Scott, Wheeler, and White—18.

NAYS—Messrs. R. J. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, Noblin, Opie, Overby, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Wescott, Wilkins, Winn, and Whitehead—52.

No. 17. House bill entitled an act to amend and re-enact section 4 of an act entitled an act to incorporate the Lynchburg and Southwest railroad company, with Senate amendments, came up.

Mr. GRAVES moved to suspend the rule requiring its reference to a committee.

Pending which,

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 18; nays 48.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Armistead Green, Griggs, Harris, Harrison, Hubbard, McCandlish, Mooklar, S. P. Mustard, Nance, Parker, Ross, Scott, and Wheeler—18.

NAYS—Messrs. Speaker, R. J. Anderson, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Charles C. Meade, David Meade, Moon, Moorefield, Munford, Noblin, Overby, Paxton, Peters, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Winn, and Whitehead—48.

The question recurring on the motion of Mr. GRAVES to suspend the rule, was put and decided in the affirmative—yeas 45; nays 19.

On motion of Mr. GRAVES, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Bishop, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Fitzpatrick, Gordon, Jones, Kelly, Lawson, Leigh, Marshall, Mays, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Pretlow, Robertson, Seay, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, Winn, and Whitehead—45.

NAYS—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Armistead Green, Griggs, Harrison, Hubbard, Keen, McCandlish, Charles C. Meade, Mooklar, Nance, Porter, Ross, Scott, Wheeler, and White—19.

The bill was placed on the calendar.

No. 121. House bill to amend and re-enact section one of an act entitled an act for making and repairing division fences between coterminous land owners in the counties of Alleghany, Bath, Bote-

tourt, Highland, Rockbridge, Loudoun and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved April 14, 1882, with Senate amendments, came up:

Mr. ANDERSON of *Rockbridge*, moved to suspend the rule requiring its reference to a committee; which was agreed to—yeas 52; nays 17.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Noblin, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Scott, Seay, Soule, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—52.

NAYS—Messrs. Brockwell, Dodson, Garnett, Gee, Grattan, Armistead Green, Griggs, Harris, Harrison, Hubbard, McCandlish, Nance, Parker, Ross, Trigg, Wheeler, and White—17.

The bill was placed on the calendar.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 15; nays 52.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Garnett, Gee, Grandstaff, Armistead Green, Griggs, Harris, Harrison, McCandlish, Mooklar, S. P. Mustard, Parker, Scott, and Wheeler—15.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Fitzpatrick, Gordon, Grattan, Graves, Hazlewood, Jones, Kelly, Lawson, Leftwich, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Seay, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—52.

No. 98. Senate bill was read twice and referred to the committee on counties, cities and towns.

No. 127. Senate bill was read twice and referred to the committee on finance.

The following Senate bills reported from the committee on finance, were read a first time:

No. 68. Senate bill to amend and re-enact section 25, chapter 58 of the Code of 1873, so as to prescribe in what banks the money of the state shall be kept, with amendments.

No. 13. Senate bill to amend and re-enact sections 1 and 21 of chapter 22 of an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business.

No. 124. Senate bill for the relief of J. H. Blair, late treasurer of Wise county and his sureties.

No. 69. Senate bill requiring the officer in charge of the public institutions, which draw appropriations from the state, to make quarterly fiscal reports to the board of public works, with the recommendation that the House insist upon its amendments.

No. 199. House bill directing the auditor of public accounts to suspend proceedings against the sureties of George S. Cady, late sheriff of Culpeper county, reported from the committee on finance, was read a first time.

No. 200. House bill to amend and re-enact chapter 340, sections 1, 2, 3, 4, 5, 6 and 7, Session Acts, 1883-4, in relation to the Virginia normal and collegiate institute, reported from the committee on schools and colleges, was read a first time.

Mr. SMITH offered the following concurrent resolution :

Whereas the last committee of conference upon House bill No. 3, in relation to the assessment of real estate, failed to agree; therefore,

Resolved (the Senate concurring,) That a further committee of conference of five on the part of the House, and three on the part of the Senate, be appointed.

The question being on agreeing to the resolution,

Mr. McCANDLISH moved to pass by the resolution; which motion was rejected—yeas 15; nays 53.

On motion of Mr. ELLIS, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Gee, Grandstaff, Armistead Green, Griggs, Harris, Charles C. Meade, Mooklar, S. P. Mustard, Nance, Parker, Ross, Scott, and Wheeler—15.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Dunlop, Curtis, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Graves, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, Winn, and Whitehead—53.

Mr. MUNFORD demanded the previous question; and the question being, "Shall the main question be now put?" was put, and decided in the affirmative—yeas 51; nays 19.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Griggs, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—51.

NAYS—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Grandstaff, Armistead Green, Harrison, Hubard, McCandlish, Mauck, Charles C. Mead, Mooklar, S. P. Mustard, Nance, Parker, Rosler, Scott, and Wheeler—19.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 7; nays 56.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Brockwell, Garnett, Grandstaff, Harris, Scott, and Wheeler—7.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Cardwell, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Fitzpatrick, Gordon, Grattan, Graves, Hazlewood, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moorefield, Munford, S. P. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—56.

The question being on agreeing to the resolution, was put and decided in the affirmative—yeas 55; nays 10.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YEAS**—Messrs. R. J. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Fitzpatrick, Gee, Gordon, Grattan, Graves, Hazlewood, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Mays, Moorefield, Munford, Nance, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Rosler, Ryan, Seay, Smith, Soule, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—55.

**NAYS**—Messrs. Brockwell, Garnett, Armistead Green, Harris, Charles C. Meade, Mooklar, S. P. Mustard, Parker, Ross, and Scott—10.

Mr. HUBARD moved that the House do now adjourn; which motion was rejected—yeas 12; nays 53.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Brockwell, Gee, Armistead Green, Griggs, Harris, McCandlish, Mooklar, Parker, Ross, Scott, and Wheeler—12.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Christian, Curtis, Dunlop, Echols, Ellis, Fitzpatrick, Gordon, Grattan, Graves, Hazlewood, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Nance, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Rosler, Ryan, Seay, Smith, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—53.

Mr. McCANDLISH moved to reconsider the vote by which the resolution was agreed to; which motion was rejected—yeas 12; nays 49.

On motion of Mr. ELLIS, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Brockwell, Gee, Armistead Green, Harrison, McCandlish, Parker, Rosler, Ross, Scott, Wheeler, and White—12.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hazlewood, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moorefield, Munford, Nance, Overby, Paxton, Porter, Powell, Ryan, Seay, Smith,

Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Whitehead—49.

Ordered, That Mr. SMITH carry the resolution to the Senate, and request their concurrence.

The SPEAKER appointed Messrs. RYAN, KEEN, PRETLOW, JONES and HAZLEWOOD the committee of conference on the part of the House.

Mr. HUBARD moved that the House do now adjourn; which motion was rejected—yeas 11; nays 51.

On motion of Mr. ELLIS, the vote was recorded as follows:

YEAS—Messrs. Banks, Gee, Griggs, Harris, Harrison, Hubbard, McCandlish, Nance, Parker, Scott, and Wheeler—11.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Gordon, Grattan, Graves, Hazlewood, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Mays, Charles C. Meade, David Meade, Moon, Morefield, Munford, S. P. Mustard, W. G. Mustard, Opie, Overby, Paxton, Peters, Porter, Powell, Robertson, Ryan, Seay, Soule, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Whitehead—51.

Mr. ELLIS offered the following resolution:

Resolved, That the charges against Judge Charles H. Miller be referred to the committee for courts of justice, with instructions to report to this House such action as to them may seem fit looking to impeachment or removal of said Charles H. Miller as judge of the county court of Montgomery county.

#### CHARGES AND SPECIFICATIONS.

##### CHARGE FIRST.

That said Charles H. Miller has been guilty of corruption in his said office of county judge of Montgomery county.

##### SPECIFICATION FIRST.

That while he was in office as said judge that he, the said Charles H. Miller, did corruptly propose to one William Lewis to grant said Lewis' license to sell liquor in the town of Blacksburg if said Lewis would purchase from said Miller's wife her interest in the Western hotel in the town of Blacksburg, said Miller then having discretion under a special act of assembly to grant or refuse license in said town of Blacksburg, but which corrupt proposition said Lewis declined.

##### SPECIFICATION SECOND.

That said Charles H. Miller, during his term as judge, did corruptly offer to one Levi Bibb, liquor license at Central depot, in said county of Montgomery, for a money consideration; which offer said Bibb declined.

##### SPECIFICATION THIRD.

That said Miller did accept a valuable consideration from James Hoffman directly, and in consideration thereof did corruptly grant license to Mrs. Nettie Hoffman to sell liquor at the Central depot, in said county.

## SPECIFICATION FOURTH.

That said Miller, while judge as aforesaid, did accept indirectly a valuable consideration from said Mrs. Nettie Hoffman, and in consideration thereof did grant liquor license to said Mrs. Nettie Hoffman.

## SPECIFICATION FIFTH.

That said Miller, while judge, did corruptly propose to one E. A. Tibbs, to grant him license to sell liquor in the town of Christiansburg, in said county, for a valuable consideration.

## SPECIFICATION SIXTH.

That said Miller, while judge, did corruptly accept from one E. A. Tibbs a valuable consideration, and did corruptly grant said Tibbs license to sell liquor in said county for such consideration.

## SPECIFICATION SEVENTH.

That said Miller, as judge, did accept a valuable consideration from one Thomas Wilson, and in consideration thereof did corruptly grant said Wilson liquor license at Bange, in said county.

## SPECIFICATION EIGHTH.

That said Miller, while judge as aforesaid, did corruptly write a letter to one Charles A. Heermans, and did corruptly advise said Heermans to see those persons who intended to apply for liquor license for the year 1884-5, and secure from them contracts for large fees, and to represent to them that it was very uncertain whether or not they would get license.

## SPECIFICATION NINTH.

That the said Charles H. Miller, while judge, did propose to Daniel D. Hoge to open a bar-room in the town of Blacksburg, and run the same in partnership with him, the said Miller.

## CHARGE SECOND.

That his deportment on the bench, as well as off of it, is such that all respect for, and confidence in his court is destroyed in said county of Montgomery, and that the people of said county generally have no confidence in the integrity of said Miller.

GEORGE G. JENKINS.  
T. E. SULLIVAN.  
J. HAMPTON HOGE.  
JOHN R. JOHNSON.

The House refused to refer the resolution to a committee.

The resolution was agreed to—yeas 74; nays 5.

On motion of Mr. ELLIS, the vote was recorded as follows :

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Garnett, Gee, Gordon, Grandstaff, Grattan, Graves, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubbard, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Lov-

ing, McCandlish, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Robertson, Rosler, Ryan, Scott, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wheeler, White, and Whitehead—74.

**YAYS**—Messrs. Brockwell, Charles C. Meade, S. P. Mustard, W. G. Mustard, and Ross—5.

Mr. GREEN of *Stafford*, moved to reconsider the vote by which the resolution was agreed to; which motion was rejected—yeas 6; nays 57.

On motion of Mr. McCANDLISH, the vote was recorded as follows :

**YAYS**—Messrs. McCandlish, Charles C. Meade, S. P. Mustard, W. G. Mustard, Parker, and Ross—6.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Bishop, Bolen, Brockwell, Cardwell, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Garnett, Gordon, Grattan, Grattan, Graves, Armistead Green, Griggs, Harrison, Hazlewood, Hubbard, Jones, Kelly, Lawson, Leigh, Loving, Marshall, Mays, Moon, Moorefield, Munford, Nance, Noblin, Opie, Overby, Peters, Powell, Pretlow, Robertson, Rosler, Ryan, Scott, Soule, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, White, and Whitehead—57.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 11; nays 52.

On motion of Mr. ECHOLS, the vote was recorded as follows :

**YAYS**—Messrs. Banks, Gee, Duff Green, Harrison, McCandlish, Nance, Parker, Rosler, Ross, Scott, and Wheeler—11.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Bishop, Bolen, Cardwell, Chapman, Christian, Crockett, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Hazlewood, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Charles C. Meade, David Meade, Mooklar, Moon, Moorefield, Munford, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Paxton, Powell, Robertson, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Wescott, Wilkins, and Whitehead—52.

Mr. BANKS offered the following concurrent resolution :

Resolved (the Senate concurring,) That the General Assembly shall, on Monday, 24th day of November, at 1 o'clock, adjourn *sine die*.

Mr. MUNFORD moved to lay the concurrent resolution on the table; which was agreed to—yeas 48; nays 19.

On motion of Mr. ELLIS, the vote was recorded as follows :

**YAYS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Graves, Hubbard, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Pretlow, Robertson, Ryan, Smith, Soule, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, and Whitehead—48.

**YAYS**—Messrs. Banks, Dodson, Garnett, Gee, Duff Green, Armistead Green, Griggs, Harrison, Hazlewood, McCandlish, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Ross, Scott, and Wheeler—19.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 10; nays 47.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YAYS**—Messrs. Banks, Garnett, Duff Green, McCandlish, Nance, Parker, Rosler, Ross, Scott, and Wheeler—10.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Cardwell, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Griggs, Jones, Keen, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Seay, Soule, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Wilkins, and Whitehead—47.

The morning hour having expired, the House proceeded to business on the calendar.

Mr. STUART moved to take up out of its order on the calendar, No. 197, House bill to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3, chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, and defining the duties and powers of the electoral boards created by this act.

Mr. ELLIS demanded the previous question.

Pending which,

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 18; nays 48.

On motion of Mr. ELLIS, the vote was recorded as follows :

**YEAS**—Messrs. Banks, Brockwell, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, McCandlish, Charles C. Meade, Mooklar, S. P. Mustard, Parker, Ross, Scott, Wheeler, and White—18.

**NAYS**—Messrs. R. J. Anderson, Baker, Barton, Bishop, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Graves, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Nance, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Robertson, Ryan, Seay, Soule, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, and Whitehead—48.

The question recurring on the demand for the previous question, and the question being, "Shall the main question be now put?" was put and decided in the negative—yeas 51; nays 26.

On motion of Mr. STUART, the vote was recorded as follows :

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Keen, Kelly, Lawson, Leftwich, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, and Whitehead—51.

**NAYS**—Messrs. Banks, Bishop, Brockwell, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Rosler, Ross, Scott, and Wheeler—26.

Mr. HUBARD moved that the House do now adjourn; which was rejected—yeas 21; nays 46.

On motion of Mr. ECHOLS, the vote was recorded as follows :

**YEAS**—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, McCandlish, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Rosler, Ross, Scott, and Wheeler—21.

**NAYS**—Messrs. Speaker, William A. Anderson, Baker, Bishop, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Jones, Keen, Kelly, Lawson, Leftwich, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, and Whitehead—46.

The question being the motion of Mr. STUART, to take up House bill No. 197,

Mr. STUART demanded the yeas and nays; which were ordered.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 16; nays 50.

On motion of Mr. ROSS, the vote was recorded as follows :

**YEAS**—Messrs. Banks, Bishop, Brockwell, Garnett, Gee, Grandstaff, Duff Green, Harrison, McCandlish, Charles C. Meade, Mooklar, Nance, Parker, Ross, Scott, and Wheeler—16.

**YAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bolen, Burks, Cardwell, Chapman, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Keen, Kelly, Lawson, Leftwich, Loving, Marshall, Mays, David Meade, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, and Whitehead—50.

The question recurring on the motion of Mr. STUART, was put and decided in the affirmative—yeas 54; nays 25.

On motion of Mr. STUART, the vote was recorded as follows:

**YAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Keen, Kelly, Lawson, Leftwich, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—54.

**NAYS**—Messrs. Banks, Bishop, Brockwell, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, Nance, Parker, Richardson, Rosler, Scott, and Wheeler—25.

Mr. HUBARD moved that the House do now adjourn; which was rejected—yeas 18; nays 49.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YAYS**—Messrs. Bishop, Brockwell, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Mauck, Charles C. Meade, S. P. Mustard, W. G. Mustard, Parker, Rosler, Ross, Scott, and Wheeler—18.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Dodson, Dunlop, Echols, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Smith, Soule, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and Whitehead—49.

Mr. ECHOLS demanded the previous question; and the question being, "Shall the main question be now put?" was put and decided in the affirmative—yeas 51; nays 26.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—51.

**NAYS**—Messrs. Banks, Bishop, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Rosler, Ross, Scott, and Wheeler—26.

Mr. HUBARD moved that the House do now adjourn; which was rejected—yeas 23; nays 53.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Banks, Bishop, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Grigg, Harris, Harrison, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Richardson, Rosler, Ross, Scott, and Wheeler—23.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, and Whitehead—53.

No. 197. House bill was read a second time.

Mr. BARTON demanded the pending question.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 18; nays 51.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Banks, Bishop, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harris, McCandlish, Mauck, Charles C. Meade, S. P. Mustard, W. G. Mustard, Nance, Parker, Rosler, Scott, and Wheeler—18.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—51.

The question recurring on the demand for the pending question, was put and decided in the affirmative—yeas 54; nays 24.

On motion of Mr. STUART, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Ryan, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—54.

NAYS—Messrs. Banks, Bishop, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Rosler, Scott, and Wheeler—24.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 19; nays 48.

On motion of Mr. BARTON, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Bishop, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Mauck, Mooklar, S. P. Mustard, W. G. Mustard, Parker, Richardson, Rosler, Scott, and Wheeler—19.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—48.

The question being on the engrossment and third reading of the bill, was put and decided in the affirmative—yeas 52; nays 24.

On motion of Mr. BARTON, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Robertson, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—52.

**NAYS**—Messrs. Banks, Bishop, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Richardson, Rosler, Scott, and Wheeler—24.

Mr. McCANDLISH moved that the House do now adjourn; which was rejected—yeas 20; nays 45.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Bishop, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Mauck, Mooklar, S. P. Mustard, W. G. Mustard, Nance, Parker, Rosler, Scott, and Wheeler—20.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Fitzpatrick, Gordon, Grattan, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Robertson, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, and Whitehead—45.

No. 138. House bill to incorporate the Powhatan oyster company, and to grant it certain privileges, came up as unfinished business.

The bill was read a second time, and ordered to be engrossed to be read a third time.

Mr. STUART moved to reconsider the vote by which the bill was ordered to be engrossed.

Mr. BARTON moved to pass by the motion to reconsider; which was agreed to.

On motion of Mr. STUART, the bill was ordered to be printed.

On motion of Mr. RYAN, the House adjourned.

MONDAY, NOVEMBER 24, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 22, 1884.*

The Senate have passed House bills entitled an act to amend and re-enact sections 13 and 48 of an act entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them from the waters of the commonwealth, No. 132; an act for the relief of John T. W. Custis, late commissioner of the revenue of Northampton county, and William J. Euritt, late commissioner of the revenue for Augusta county, No. 150.

They have agreed to House joint resolution providing for a further committee of conference on House bill, No. 3.

They have passed Senate bill entitled an act to provide for the re-binding and indexing of certain books of record in the land office, No. 163.

And they have agreed to the substitute proposed by the House of Delegates to Senate bill entitled an act for the relief of Swinfield Stanley, late sheriff of Henry county, and his sureties, No. 108.

In which bill they respectfully request the concurrence of the House of Delegates.

No. 162. Senate bill was read twice and placed on the calendar, the rule having been suspended on motion of Mr. ANDERSON of Rockbridge, requiring its reference to a committee.

The following Senate bills reported from the committee on finance, were read a first time:

No. 125. Senate bill to provide further allowance for contingent expenses of office of secretary of the commonwealth in addition to that provided by act of assembly, approved March 15, 1884.

No. 35. Senate bill to allow further time for the treasurer of Henrico county to make returns of delinquent taxes, (with an amendment.)

No 201. House bill to amend sections one and two, chapter 82 of Code of 1873, in relation to lunatic asylums, reported from the special joint committee to examine the lunatic asylums, was read a first time.

The SPEAKER laid before the House a communication from the railroad commissioner in response to a resolution of the House in relation to passenger connection at Burkeville by the Richmond and Danville, and Norfolk and Western railroads; which, on motion of Mr. TRIGG, was passed by and ordered to be printed. Doc. No. 6.

The following were presented and referred under rule 37:

By Mr. JONES: A bill to authorize the council of the town Cov-

ington to issue bonds and to condemn land for the purpose of constructing water-works for said town. Referred to the committee on counties, cities and towns.

By Mr. DUNLOP: A bill to regulate the admission of foreign surety companies to do business in this state. Referred to the committee on propositions and grievances.

By Mr. DUNLOP: A bill to facilitate the giving of bonds required by law. Referred to the committee for courts of justice.

By Mr. SMITH:

Resolved, That the committee on public property be instructed to inquire into the expediency and economy of lighting the capitol, capitol grounds, and executive mansion by the electric light. Referred to the committee on public property.

The morning hour having expired, the House proceeded to the business on the calendar.

Mr. MUNFORD moved to suspend the rule and take up out of its order on the calendar, No. 197, House engrossed bill to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-3, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40 and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code of 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, and defining the duties and powers of the electoral boards created under this act.

Mr. McCANDLISH moved that the House do now adjourn; which motion was rejected—yeas 8; nays 50.

On motion of Mr. EVANS of *Richmond city*, the vote was recorded as follows:

**YEAS**—Messrs. Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, and Wheeler—8.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, Charles C. Meade, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, and Whitehead—50.

The question recurring on the motion of Mr. MUNFORD to suspend the rule and take the bill up out of its order on the calendar, was put and decided in the affirmative—yeas 46; nays 17.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—46.

**NAYS**—Messrs. Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Scott, and Wheeler—17.

The question being, "Shall the bill pass?"

Mr. HUBARD moved that the House do now adjourn; which motion was rejected—yeas 10; nays 44.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YEAS**—Messrs. Brockwell, Garnett, Duff Green, Armistead Green, Harris, Harrison, Charles C. Meade, Mooklar, Scott, and Wheeler—10.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Burks, Cardwell, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—44.

Mr. MUNFORD demanded the pending question; which was ordered—yeas 46; nays 17.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Wilkins, and Whitehead—46.

**NAYS**—Messrs. Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Scott, and Wheeler—17.

Mr. HUBARD moved that the House do now adjourn; which motion was rejected—yeas 10; nays 49.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Garnett, Duff Green, Armistead Green, Harris, Harrison, Hubbard, Charles C. Meade, Mooklar, Scott, and Wheeler—10.

NOES—Messrs. Speaker, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—49.

The bill was read a third time and passed—yeas 48; nays 18.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—48.

NAYS—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harrison, Hazlewood, Hubbard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Parker, Scott, and Wheeler—18.

Mr. ELLIS moved to reconsider the vote by which the bill was passed.

Mr. GREEN of *Stafford*, moved to pass by the motion to reconsider; pending which,

Mr. HUBARD moved that the House do now adjourn; which motion was rejected—yeas 11; nays 46.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Garnett, Duff Green, Armistead Green, Harrison, Charles C. Meade, Mooklar, W. G. Mustard, Parker, and Wheeler—11.

NAYS—Messrs. R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—46.

The question recurring on the motion of Mr. GREEN of *Stafford*, to pass by the motion to reconsider, was put and decided in the negative—ayes 17; nays 45.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harrison, Hubbard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Parker, Scott, and Wheeler—17.

**YAYS**—Messrs. Speaker, R. J. Anderson, Bailey, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—45.

The question being on the motion of Mr. ELLIS, to reconsider the vote by which the bill was passed, was put and decided in the negative—yeas 18; nays 44.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YAYS**—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Parker, Scott, and Wheeler—18.

**NAYS**—Messrs. Speaker, R. J. Anderson, Bailey, Baker, Barton, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—44.

Ordered, That Mr. BARTON carry the bill to the Senate and request their concurrence.

Mr. MOON moved to suspend the rule and take up out of its order on the calendar, No. 173, House bill to amend section two of chapter 548, Acts of 1883-4, entitled an act to provide for the sale of lands delinquent for taxes and county levies; which was agreed to—yeas 44; nays 16.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YAYS**—Messrs. R. J. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, John W. Vaughan, Ward, Wilkins, and Whitehead—44.

**NAYS**—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harrison, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, Parker, Scott, and Wheeler—16.

The bill was read a second time.

Mr. GREEN of *Stafford*, moved that the House do now adjourn; which motion was rejected—yeas 15; nays 46.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

**YAYS**—Messrs. Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, McCandlish, Mauch, Charles C. Meade, Mooklar, Parker, Scott, and Wheeler—15.

**NAYS**—Messrs. Speaker, R. J. Anderson, Bailey, Baker, Barton, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Thomas J. Evans, Gordon, Grattan, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving,

Marshall, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, Ward, Wilkins, and Whitehead—46.

Mr. MOON demanded the pending question; which was ordered. The question being on the engrossment of the bill, was put and decided in the affirmative.

No. 124. Senate bill entitled an act for the relief of J. H. Blair, late treasurer of Wise county, and his sureties, was on motion of Mr. CROCKETT, taken up out of its order on the calendar.

The bill was read a third time and rejected—yeas 49; nays 2.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Barton, Bolen, Brockwell, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Echols, Fitzpatrick, Garnett, Gordon, Harrison, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Powell, Scott, Smith, Soule, Stribling, Tabb, John W. Vaughan, Ward, Wilkins, and Whitehead—49.

NAYS—Messrs. Hubard and Charles C. Meade—2.

Mr. HUBARD moved to reconsider the vote by which the bill was rejected.

On motion of Mr. MARSHALL, the motion to reconsider was passed by.

No. 152. Senate joint resolution authorizing the commissioners of the sinking fund to employ counsel in certain cases, was on motion of Mr. MOON, taken up out of its order on the calendar.

On motion of Mr. MOON, the bill was amended by striking out the words "to have exclusive control," and inserting the words "to have, along with the attorney-general as his associate counsel, control."

The bill was ordered to its third reading—yeas 44; nays 14.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, David Meade, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—44.

NAYS—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Hubard, McCandlish, Charles C. Meade, W. G. Mustard, Parker, Scott, and Wheeler—14.

The amendment being presently engrossed, the bill was read a third time and rejected—yeas 43; nays 4.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Charles C. Meade, David Meade, Mooklar, Moorefield, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, Ward, Wilkins, and Whitehead—43.

**NAYS**—Messrs. Hazlewood, Hubard, and Moon—3.

**MESSRS. GREEN** of *Stafford*, **DARST**, **PETERS**, **VAUGHAN** of *Goochland*, and **NOBLIN**, were designated as being present and failing to vote, and in addition were counted in the negative, and entered on the Journal as present and not voting.

**MR. MOON** moved to reconsider the vote by which the bill was rejected.

On motion of **MR. LAWSON**, the motion to reconsider was passed by.

**No. 94.** House bill to extend the time for imposing the penalty of five per centum for non-payment of taxes of the second assessor's district of Norfolk, was on motion of **MR. TABB**, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

**No. 35.** Senate bill entitled an act to allow further time for the treasurer of Henrico county to make returns of delinquent taxes, was on motion of **MR. HAZLEWOOD**, taken up out of its order on the calendar.

The amendment proposed by the committee on finance as follows:

Third line, section 1, strike out "December, 1884," and insert "February, 1885"—

Was agreed to.

The bill was ordered to its third reading.

**No. 180.** House bill to provide for removing obstructions in Little Roanoke creek, in Charlotte county, Virginia, was on motion of **MR. OVERBY**, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

**No. 136.** House engrossed bill to appropriate money to complete the new asylum building near Petersburg, known as the Central lunatic asylum, was on motion of **MR. EVANS** of *Richmond city*, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 62.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Banks, Barton, Bolen, Brockwell, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gordon, Grandstaff, Grattan, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hobson, Hubard, Jones, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Mauck, Mays, Charles C. Meade, David Meade, Mooklar, Moorefield, Munford, W. G. Mustard, Noblin, Overby, Parker, Paxton, Peters, Powell, Pretlow, Richardson, Ryan, Scott, Smith, Soule, Stribling, Tabb, Trigg, R. F. Vaughan, Wheeler, and Whitehead—62.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. EVANS of *Richmond city*, carry the bill to the Senate and request their concurrence.

No. 140. House bill to regulate times for holding courts in the fourth judicial circuit, was on motion of Mr. PETERS, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No 198. House bill for the relief of certain sureties of Stephen H. Turner, late treasurer of Amherst, on his official bond dated June 29, 1883, was on motion of Mr. LOVING, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No 122. House engrossed bill to provide compensation to the clerks of county and corporation courts for making records of delinquent lands, and receiving payment of taxes on same, was on motion of Mr. BOLEN, taken up out of its order on the calendar.

The bill was read a third time and rejected—yeas 47; nays 12.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Harris, Harrison, Jones, Lawson, Leftwich, Leigh, Loving, Mays, David Meade, Moorefield, Noblin, Opie, Overby, Parker, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—47.

NAYS—Messrs. Bolen, Brockwell, Dodson, Garnett, Gee, Grandstaff, Armistead Green, Griggs, Hubard, McCandlish, Mauck, Scott, and Wheeler—12.

Mr. BOLEN moved to reconsider the vote by which the bill was rejected.

On motion of Mr. ECHOLS, the motion to reconsider was passed by.

No. 192. House bill for the relief of the heirs of Martha C. Ball, was on motion of Mr. LEIGH, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

The hour of one o'clock P. M., having arrived,

Special order, No. 171. House bill to provide for the inspection of mines and appointment of inspector of mines, came up.

Mr. WARD moved to pass by the special order; which motion was rejected—yeas 26; nays 32.

On motion of Mr. BARTON the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bolen, Burks, Cardwell, Darst, Echols, Ellis, Gordon, Grattan, Jones, Leftwich, Leigh, Moorefield, Noblin, Opie, Paxton, Powell, Pretlow, Ryan, Soule, Tabb, and Ward—26.

NAYS—Messrs. Baker, Brockwell, Chapman, Christian, Crockett, Curtis, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris,

Harrison, Hubard, Loving, McCandlish, Marshall, Mauck, Mays, Charles C. Meade, Mooklar, S. P. Mustard, W. G. Mustard, Overby, Parker, Peters, Scott, Trigg, John W. Vaughan, Wilkins, and Wheeler—33.

On motion of Mr. CARDWELL, the special order was postponed until to-morrow.

Mr. McCLANDLISH moved that the House do now adjourn; which motion was rejected—yeas 15; nays 42.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Dodson, Gee, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hobson, Hubard, Charles C. Meade, Mooklar, S. P. Mustard, Parker, and Wheeler—15.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Cardwell, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Gordon, Grattan, Hazlewood, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, Mays, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Scott, Soule, Tabb, Trigg, John W. Vaughan, Ward, Wilkins, and Whitehead—42.

No. 177. House bill to allow compensation to the district school trustees of the counties of Loudoun, Madison, and Sussex, was on motion of Mr. CHAPMAN, taken up out of its order on the calendar—yeas 43; nays 17.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. R. J. Anderson, Bailey, Baker, Barton, Bolen, Brockwell, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Thomas J. Evans, Gee, Gordon, Harris, Harrison, Hazlewood, Hubard, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Powell, Pretlow, Ryan, Smith, Soule, John W. Vaughan, Ward, and Whitehead—43.

NAYS—Messrs. William A. Anderson, Banks, Dodson, Ellis, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Jones, McCandlish, Mauck, Charles C. Meade, Parker, Scott, Wilkins, and Wheeler—17.

On motion of Mr. CHAPMAN, the bill was amended by striking out the words "twelve dollars," and inserting the words "ten dollars."

On motion of Mr. OVERBY, the bill was laid on the table.

Mr. WARD moved that No. 17. House engrossed bill entitled an act to amend and re-enact section 4 of an act entitled an act to incorporate the Lynchburg and Southwest railroad company, approved March 7, 1884, be taken up out of its order on the calendar.

The question being on agreeing to the motion, was put—ayes 38; nays 9.

On motion of Mr. ECHOLS, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Cardwell, Chapman, Crockett, Curtis, Darst, Thomas J. Evans, Gordon, Hazlewood, Hobson, Jones, Lawson, Leftwich, Loving, Marshall, David Meade, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pretlow, Ryan, Soule, Stribling, Tabb, John W. Vaughan, Ward, Wilkins, and Whitehead—38.

**NAYS**—Messrs. Dodson, Gee, Duff Green, Armistead Green, Griggs, Hubard, Mooklar, Scott, and Wheeler—9.

Mr. ECHOLS moved a call of the House; which was rejected.

Mr. OPIE moved that the House do now adjourn; which was rejected—yeas 9; noes 44.

On motion of Mr. OPIE, the vote was recorded as follows:

**YEAS**—Messrs. Brockwell, Curtis, Armistead Green, Hubard, Mauck, Parker, Pretlow, Richardson, and Wheeler—9.

**NAYS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Burks, Cardwell, Chapman, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gordon, Grattan, Hazlewood, Hobson, Jones, Lawson, Leftwich, Loving, Marshall, Mays, Charles C. Meade, David Meade, Moon, Moorefield, S. P. Mustard, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Ryan, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Wilkins, and Whitehead—44.

The question recurring on agreeing to the motion by Mr. WARD, was put—yeas 47; nays 2.

On motion of Mr. BARTON, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Grattan, Armistead Green, Hobson, Hubard, Jones, Lawson, Leftwich, Loving, Marshall, Charles C. Meade, David Meade, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Paxton, Peters, Pretlow, Ryan, Smith, Soule, Stribling, Tabb, John W. Vaughan, Ward, Wilkins, and Whitehead—47.

**NAYS**—Messrs. Mauck and Parker—2.

Messrs. GORDON, VAUGHAN of *Grayson*, and GREEN of *Stafford*, were designated as present and failing to vote, and were counted in the negative, and in addition were entered on the Journal as present and not voting.

The bill was taken up.

The amendments of the Senate were agreed to.

Mr. WARD moved severally to reconsider the votes by which the amendments were agreed to; which motions were rejected.

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had passed No. 197, House bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as

amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-73, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, and defining the duties and powers of the electoral boards created under this act.

No. 153. House engrossed bill for the relief of the sureties of John F. Jones, late treasurer of Craig county, was on motion of Mr. MARSHALL, taken up out of its order on the calendar—yeas 47; nays 4.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gordon, Grattan, Harrison, Hazlewood, Hobson, Hubard, Jones, Leftwich, Leigh, Loving, Charles C. Meade, David Meade, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Paxton, Powell, Pretlow, Ryan, Smith, Soule, Tabb, John W. Vaughan, R. F. Vaughan, Ward, and Whitehead—47.

NAYS—Messrs. Parker, Peters, Stribling, and Wilkins—4.

The bill was read a third time and passed—yeas 56; nays 1.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Bailey, Baker, Banks, Barton, Bolen, Brockwell, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gordon, Grattan, Griggs, Harris, Harrison, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Powell, Pretlow, Richardson, Smith, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, and Whitehead—56.

NAYS—Mr. Hubard—1.

Mr. Marshall moved to reconsider the vote by which the bill was passed; which motion was rejected.

A message was received from the Senate by Mr. LYBROOK, who informed the House that the Senate had passed Senate bill entitled an act for establishing and working the roads in Patrick county, No. 126, in which they respectfully request the concurrence of the House.

A message was received from the Senate by Mr. TWYMAN, who informed the House that the Senate had passed Senate bill entitled an act to authorize the county court of Rappahannock to order an

election in Wakefield district, in said county, to ascertain the sense of the voters of said district upon the subscription to Fauquier and Rappahannock railroad, No. 173, in which they respectfully request the concurrence of the House.

No. 111. Senate bill entitled an act to amend and re-enact section 38, chapter 128 of the Code of 1873, limiting the time to one year for creditors to show cause against distribution of estates, was read a third time and passed.

A message was received from the Senate by Mr. Newberry, who informed the House that the Senate had passed Senate bill entitled an act to provide for the establishment of the Southwestern lunatic asylum, No. 20; in which they respectfully request the concurrence of the House.

On motion of Mr. TRIGG, the calendar was postponed for two minutes—yeas 40; nays 11.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Bolen, Burks, Cardwell, Chapman, Crockett, Curtis, Darst, Dunlop, Ellis, Garnett, Gordon, Grattan, Harris, Hazlewood, Hobson, Hubard, Lawson, Loving, Marshall, Charles C. Meade, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Overby, Parker, Peters, Pretlow, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, and Whitehead—40.

NAYS—Messrs. Barton, Echols, Jones, Leigh, David Meade, Paxton, Powell, Ryan, Smith, Soule, and Stribling—11.

The SPEAKER laid the bill before the House.

The bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. Trigg requiring its reference to a committee.

No. 114. Senate bill entitled an act to authorize the Richmond and Danville railroad company to invest in and operate railroads and transportation lines in this and in other states, came up.

On motion of Mr. STUART, the bill was dismissed.

Mr. STUART moved to reconsider the vote by which the bill was dismissed.

On motion of Mr. ELLIS, the motion to reconsider was passed by.

On motion of Mr. CURTIS, the House adjourned.

## TUESDAY, NOVEMBER 25, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 24, 1884.*

The Senate have passed House bill entitled an act for the relief of John W. Green and his deputies, No. 129.

And have agreed to a joint resolution requesting the return to the Senate of House bill in regard to the sale of certain church property in Louisa county, No. 62; in which resolution they respectfully request the concurrence of the House of Delegates.

Senate resolution as follows:

Resolved, That the House of Delegates be requested to return to the Senate No. 62, House bill in regard to the sale of certain church property in Louisa county—

Was agreed to.

No. 126. Senate bill entitled an act for establishing and working the roads in Patrick county, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. PETERS, requiring its reference to a committee.

No. 173. Senate bill entitled an act to authorize the county court of Rappahannock to order an election in Wakefield district in said county, to ascertain the sense of the voters of said district upon the subscription to Fauquier and Rappahannock railroad, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. MOFFETT, requiring its reference to a committee.

No. 202. House bill to reorganize the Virginia agricultural and mechanical college, and for this purpose to repeal section 19 of chapter 77 of the Code of Virginia, edition of 1873, chapter 241 of the Acts of Assembly of 1879-80, approved March 9, 1880, reported from the committee on schools and colleges, was read a first time.

Mr. SMITH offered the following resolution:

Resolved, That the chair be vacated at 3 o'clock, P. M., and resumed to-night at 7½ o'clock, for the consideration of local bills.

The resolution was agreed to—yeas 52; nays 19.

On motion of Mr. GREEN of *Stafford*, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Gibson, Gordon, Grattan, Hobson, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moffett, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—52.

**NAYS**—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Grandstaff, Duff Green, Harris, Harrison, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Parker, Richardson, Ross, and Scott—19.

Mr. SMITH moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

The morning hour having expired, the House proceeded to the consideration of the business on the calendar:

The motion made by Mr. STUART to reconsider the vote by which No. 138, House bill to incorporate the Powhatan oyster company,

and to grant it certain privileges, was ordered to be engrossed, was agreed to.

On motion of Mr. LAWSON, the bill was amended by striking out the words "fifteen hundred acres," and inserting the words "one thousand acres."

The question recurring on the engrossment of the bill, was put and decided in the affirmative.

The motion made by Mr. HUBARD to reconsider the vote by which No. 124, Senate bill entitled an act for the relief of J. H. Blair, late treasurer of Wise county and his sureties, was rejected, was agreed to.

The question recurring on the passage of the bill, was put and decided in the affirmative—yeas 65; nays 1.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bolen, Brockwell, Burks, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gee, Gibson, Gordon, Grandstaff, Grattan, Duff Green, Harris, Harrison, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Mauck, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Powell, Richardson, Ross, Scott, Seay, Soule, Stewart, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wilkins, Winn, and Whitehead—65.

NAYS—Mr. Hubard—1.

The motion made by Mr. BOLEN, to reconsider the vote by which No. 122, House bill to provide compensation to the clerks of county and corporation courts for making records of delinquent lands, and receiving payment of taxes on same, was rejected, was agreed to.

The question recurring on the passage of the bill, was put and decided in the affirmative—yeas 62; nays 6.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bolen, Brockwell, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gibson, Gordon, Grattan, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, David Meade, Moffett, Mooklar, Moon, Moorefield, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Saunders, Scott, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—62.

NAYS—Messrs. Grandstaff, Hubard, McCandlish, Mauck, Charles C. Meade, and W. G. Mustard—6.

Ordered, That Mr. BOLEN carry the bill to the Senate, and request their concurrence.

The motion made by Mr. MOON, to reconsider the vote by which No. 152, Senate bill authorizing the commissioners of the sinking fund to employ counsel in certain cases, was rejected, was agreed to.

The question recurring on the passage of the bill, was put and decided in the affirmative—yeas 53; nays 19.

The vote required by the constitution was recorded as follows :

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Jones, Keen, Lawson, Leftwich, Leigh, Loving, David Meade, Moffett, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Saunders, Seay, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—53.

**NAYS**—Messrs. Banks, Brockwell, Garnett, Gee, Grandstaff, Duff Green, Harris, Harrison, Hubbard, McCandlish, Muck, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Parker, Richardson, Ross, and Stewart—19.

Ordered, That Mr. VAUGHAN of *Goochland*, carry the bill to the Senate, and request their concurrence in the amendment of the House.

The motion made by Mr. STUART, to reconsider the vote by which No. 114, Senate bill entitled an act to authorize the Richmond and Danville railroad company to invest in and operate railroad and transportation lines in this and in other states, was dismissed, was agreed to.

The question recurring on the motion to dismiss the bill, was put and decided in the negative.

Mr. KEEN moved to amend the bill as follows :

Strike out all between the word "lines," in the 4th line of the 1st section, and the word "or," in the 5th line of the same section, and insert "chartered by the laws of North Carolina or any state other than Virginia."

Pending which,

On motion of Mr. STUART, the bill was made a special continuing order for to-morrow at 12 o'clock, M.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the amendments of the House to the amendment of the Senate to House joint resolution to elect county school commissioners to fill vacancies which have occurred in the county school trustee electoral board of their several counties, No. 46.

Mr. VAUGHAN of *Goochland*, stated that he was paired on yesterday with Mr. RICHARDSON on all political questions.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to a joint resolution authorizing the board of sinking fund commissioners to employ counsel to institute proceedings against S. Brown Allen and others; in which they respectfully request the concurrence of the House.

The SPEAKER laid the joint resolution before the House.

The joint resolution was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. ANDERSON of *Rockbridge*, requiring its reference to a committee—yeas 49; nays 20.

On motion of Mr. HUBARD, the vote was recorded as follows :

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Christian, Crockett, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moffett, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Saunders, Seay, Smith, Soule, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Winn, and Whitehead—49.

**NAYS**—Messrs. Banks, Brockwell, Garnett, Gee, Grandstaff, Duff Green, Harris, Harrison, Hubard, McCandlish, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Parker, Richardson, Scott, Stewart, and Wheeler—20.

The hour of one o'clock, P. M. having arrived,  
Special order, No. 171, House bill to provide for the inspection of mines and appointment of inspector of mines, came up.

The bill was read a second time.

Mr. BARTON moved to amend the bill by striking out on page 2, section 4, the words "out of the treasury," and inserting the words "by the various mining companies or owners of mines in the state of Virginia, in proportion to the value of the same as assessed for state taxes"; which was rejected—yeas 27; nays 42.

On motion of Mr. CARDWELL, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Camper, Cardwell, Chapman, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Hobson, Keen, Lawson, Leftwich, Leigh, David Meade, Moorefield, Noblin, Opie, Pretlow, Saunders, Smith, Tabb, Ward, and Whitehead—27.

**NAYS**—Messrs. Baker, Banks, Brockwell, Christian, Crockett, Curtis, Dodson, Garnett, Gee, Gibson, Grandstaff, Grattan, Duff Green, Harris, Harrison, Hubard, Jones, Loving, McCandlish, Marshall, Mauck, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Overby, Parker, Paxton, Peters, Porter, Powell, Ross, Ryan, Scott, Soule, Stewart, Trigg, R. F. Vaughan, Wescott, Wilkins, Winn, and Wheeler—42.

On motion of Mr. BARTON, the bill was amended, page 6, section 10, by striking out the word "commonwealth," and inserting the words "owners of the mines."

On motion of Mr. GIBSON, the bill was amended by striking out on page 6, line 42, the words "five dollars," and inserting the words "three dollars."

On motions severally made by Mr. BAKER, the bill was amended.

The bill, as amended, was ordered to its third reading.

Mr. GIBSON moved that the House take a recess until three o'clock, P. M.; which was rejected—yeas 2; nays 43.

On motion of Mr. CARDWELL, the vote was recorded as follows:

**YEAS**—Messrs. Curtis, and Saunders—2.

**NAYS**—Messrs. Speaker, R. J. Anderson, Barton, Bolen, Camper, Cardwell, Chapman, Christian, Crockett, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gordon, Grattan, Harris, Harrison, Hazlewood, Keen, Lawson, Leigh, Loving, Marshall, Mauck, Moffett, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Powell, Ryan, Seay, Smith, Tabb, Trigg, R. F. Vaughan, Ward, Wheeler, and Whitehead—43.

Messrs. MEADE of *Scott*, GARNETT, MUSTARD of *Tazewell*, HUBARD, PARKER, LEFTWICH, OPIE, JONES, DODSON, and BURKS were designated as present and failing to vote, and were counted on the negative of the question, and in addition were entered on the Journal as present and not voting.

The following report was agreed to:

The committee of conference of the two houses upon the disagreement upon the bill providing for the assessment of lands, recommend the following amendments to Senate substitute for House bill No. 3, to-wit:

Strike out the words "several boards of supervisors and the council of each city," in second line of section 1, and whenever the same words occur thereafter, and insert in lieu the words "a board consisting of the judge, commonwealth's attorney, and clerk of the respective county, corporation, and hustings courts of the several counties and cities of the state."

HENRY HEATON,  
J. RICH'D WINGFIELD,  
*Senate Committee.*

J. F. RYAN,  
CHARLES P. JONES,  
J. D. PRETLOW,  
T. W. KEEN,  
M. W. HAZLEWOOD,  
*House Committee.*

I do not concur in the above.

D. T. BAILEY.

Mr. PETERS moved that the House do now adjourn; which was rejected—yeas 9; nays 54.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Curtis, Garnett, Harrison, Hubard, Mauck, W. G. Mustard, Nance, Parker, and Seay—9.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gibson, Gordon, Grattan, Hazlewood, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, David Meade, Moffett, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Smith, Soule, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—54.

No. 121. House bill entitled an act to amend and re-enact section one of an act entitled an act for the working and repairing division fences between coterminous land owners in the counties of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved April 14, 1884, came up.

The first amendment of the Senate was agreed to.

Mr. BARTON moved to reconsider the vote by which the first amendment of the Senate was agreed to; which motion was rejected.

The question being on agreeing to the second amendment of the Senate,

On motions severally made by Messrs. SMITH, BROCKWELL, MARSHALL, GRATAN, and MEADE of *Scott*, the second amendment of the Senate was amended by striking out the words "Fauquier, Nansemond," and by adding the words "Craig, Rockingham and Scott."

On motion of Mr. BARTON, the second amendment of the Senate as amended, was amended as follows:

Add at the end of second amendment of Senate as amended, the words "all acts and parts of acts in conflict with this act, are hereby repealed."

On motion of Mr. BARTON, the third amendment of the Senate (to the title), was amended by striking out the words "Fauquier, Carroll, and Nansemond," and inserting the words "Carroll, Craig, Rockingham, and Scott."

On motions severally made by Mr. BARTON, the votes by which the second and third amendments of the Senate, as amended, were agreed to, were rejected.

No. 35. Senate bill entitled an act to allow further time for the treasurer of Henrico to make returns of delinquent taxes, was read a third time and passed.

Mr. HAZLEWOOD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 115. Senate bill entitled an act to amend and re-enact section 84, chapter 118, Code of 1873, limiting the time for contesting wills to two years, was read a third time and passed.

Mr. ANDERSON of *Rockbridge*, moved to reconsider the vote by which the bill was passed.

On motion of Mr. BARTON, the motion to reconsider was passed by.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to a joint resolution authorizing the board of public works to pay for guarding the public warehouse; in which they respectfully request the concurrence of the House.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 98, House bill entitled an act to prohibit the board of supervisors of each of the counties bordering on the bays, rivers, and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes, to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake, and to prevent a double tax on oysters transported to market on steam vessels.

No. 64. Senate bill entitled an act to amend and re-enact sections 5 and 6 of an act in force February 20, 1884, creating the county board of school commissioners, &c., came up.

The amendment proposed by the committee on schools and colleges as follows:

Insert in thirteenth line of sixth section, after the word "education," the words "and the superintendent of schools for their county."

The bill was ordered to its third reading.

The hour of 3 o'clock having arrived, the chair was vacated until 7½ o'clock, P. M.

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### EVENING SESSION.

The chair was resumed at 7:30 P. M.

The following Senate bills were read a third time and passed:

No. 31. Senate bill to provide for a new census of the school population of the city of Roanoke.

No. 130. Senate bill fixing the time for holding the circuit courts in the fifteenth judicial circuit.

No. 22. Senate bill to incorporate the Virginia Conference seminary of the city of Roanoke.

No. 148. Senate bill to authorize the Shenandoah Valley agricultural society to borrow money, and to secure the same by its bonds and deed of trust.

No. 86. Senate bill to amend and re-enact section 48 of the charter of the city of Roanoke.

No. 131. Senate bill to incorporate the Farmers bank of Hicksford.

No. 173. Senate bill to authorize the county court of Rappahannock to order an election in Wakefield district in said county, to ascertain the sense of the voters of said district upon the subscription to Fauquier and Rappahannock railroad.

No. 82. Senate bill to confer additional powers on the common council of Lynchburg.

No. 105. Senate bill entitled an act to provide for a new registration of the voters in certain precincts in the county of Surry.

No. 126. Senate bill entitled an act for establishing and working the roads in Patrick county.

Motions severally made to reconsider the votes by which Nos. 31, 130, 22, 148, 86, 131, 173, 82, 105, and 126, Senate bills were passed, were rejected.

No. 121. Senate bill entitled an act granting relief to V. G. Dunnington, treasurer of Lynchburg, from certain judgments for costs under coupon proceedings against him, was, on motion of Mr. SMITH, passed by.

The following House engrossed bills were read a third time and passed:

No. 157. House engrossed bill authorizing the governor to loan to the Fishburne military school at Waynesboro', arms.

No. 85. House engrossed bill to change the name of Forster's store voting precinct to that of Richardsville voting precinct.

No. 180. House engrossed bill to provide for removing obstructions in Little Roanoke creek, in Charlotte county.

No. 192. House engrossed bill for the relief of Martha C. Ball, of Fairfax county.

No. 120. House engrossed bill to amend and re-enact an act approved March 6, 1882, in reference to the fence law of Dinwiddie and Norfolk counties.

No. 94. House engrossed bill to extend the time for imposing the penalty of five per centum for non-payment of taxes for the second assessors district of Norfolk.

No. 198. House engrossed bill for the relief of certain sureties of Stephen H. Turner, late treasurer of Amherst, on his official bond, dated 29th June, 1883—yeas 53.

The vote required by the constitution was recorded as follows :

YEAS—Messrs. Speaker, William A. Anderson, Bailey, Baker, Barton, Bolen, Brockwell, Burks, Camper, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Garnett, Gee, Grattan, Harrison, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Charles C. Meade, David Meade, Moffett, Moorefield, W. G. Mustard, Nance, Opie, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Saunders, Seay, Smith, Stewart, Stribling, Trigg, John W. Vaughan, R. F. Vaughan, Wescott, and Wilkins—58.

Motions severally made to reconsider the votes by which House engrossed bills Nos. 157, 85, 180, 192, 120, 94 and 198 were passed, were rejected.

No. 140. House engrossed bill to regulate times for holding courts in the fourth judicial circuit, was, on motion of Mr. SAUNDERS, passed by.

No. 39. House engrossed bill to repeal so much of the act approved March 3, 1884, entitled an act to provide for the working of roads in the counties of Chesterfield, Powhatan and Goochland, as relates to the county of Powhatan, and to apply the general law to the said county, was on motion of Mr. VAUGHAN of *Goochland*, dismissed.

The following House bills were read a second time and ordered to be engrossed to be read a third time:

No. 89. House bill to regulate the compensation of the clerks of the county and district school boards of Norfolk county.

No. 91. House bill to incorporate the Southwest Virginia institute.

No. 106. House bill to incorporate the Exchange bank of Floyd county.

No. 113. House bill to amend and re-enact section 1 of an act entitled an act in regard to repeal of fence law in the county of Brunswick, approved March 10, 1884.

No. 130. House bill to empower the board of supervisors of Bath county, to repair a part of the Warm Spring and Huntersville turn-pike road.

No. 146. House bill to authorize Wm. Dew to erect a boom in the Mattaponi river.

No. 158. House bill to authorize the board of supervisors of King William county to borrow money to build a jail.

No. 167. House bill to repeal an act to define the boundary line between Warwick and Elizabeth City near Newport News.

No. 168. House bill to incorporate the Good Samaritan association of Appomattox county, Virginia.

No. 169. House bill to incorporate the Adopted Sons and Daughters of Zion at Abingdon, Virginia.

No. 172. House bill to amend an act entitled an act to prevent obstruction to the free passage of fish in the streams of the commonwealth, applying to the rivers Smith and Dan, above tide-water.

No. 118. House bill to authorize the judge of the county court of Princess Anne to have the registration books copied.

No. 149. House bill to provide for the transfer of the real property books from the office and custody of the clerk of the hustings court of Richmond to the office and custody of the clerk of the chancery court thereof.

No. 174. House bill to authorize the board of supervisors of Sussex county to increase the salary of the county judge.

No. 179. House bill for the protection of fish in New river.

No. 182. House bill for the relief of Charles H. Hart, late treasurer of Isle of Wight county.

No. 183. House bill for the relief of A. J. Angle.

No. 185. House bill to amend section 12 of chapter 259 of the Acts of 1883-4, entitled an act to provide for the working of roads and repairing of bridges in the county of Scott.

No. 191. House bill to amend and re-enact an act approved March 17, 1884, entitled an act for the relief of the sureties of Chas. W. Walker, late treasurer of Giles county, Virginia.

No. 199. House bill directing the auditor of public accounts to suspend proceedings against the sureties of George S. Cady, late sheriff of Culpeper county.

No. 101. House bill for the relief of Wm. H. McBride, of Goochland county, Virginia.

No. 187. House bill to require security for costs to be given by plaintiffs in suits for divorce, was on motion of Mr. STUART, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 170. House bill to incorporate the Ladies benevolent society of Danville, Virginia, was on motion of Mr. KEEN, dismissed.

No. 161. Senate bill entitled an act to authorize the Richmond and Danville railroad company to increase the number of directors, was on motion of Mr. STUART, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. STUART moved to reconsider the vote by which the bill was passed, which motion was rejected.

No. 190. House bill authorizing the voters of Wakefield magisterial district, in Rappahannock county, to vote on subscription to

Fauquier and Rappahannock railroad company, was on motion of Mr. MOFFETT, dismissed.

No. 90. House engrossed bill to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to secure to taxpayers in cities and towns, the right of public school education for their children, approved March 17, 1884, was on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

Mr. McCANDLISH moved that the House do now adjourn, which was rejected—yeas 5; nays 48.

On motion of Mr. McCANDLISH, the vote was recorded as follows:

YEAS—Messrs. Hubbard, W. G. Mustard, Nance, Richardson, and Stewart—5.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Bolen, Camper, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Gibson, Grattan, Hobson, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, Marshall, Moffett, Mooklar, Moorefield, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Seay, Smith, Stribling, Trigg, John W. Vaughan, R. F. Vaughan, and Wilkins—48.

Messrs. BANKS, BROCKWELL, GEE, and ROSS, were designated as present and not voting, and were counted on the negative of the question, and in addition were entered on the Journal as present and not voting.

The bill was read a third time and passed.

Mr. ANDERSON of *Rockbridge* moved to reconsider the vote by which the bill was passed, which motion was rejected.

On motion of Mr. JONES, the calendar was postponed for two minutes.

Mr. JONES, under a suspension of the rule, presented

No. 203. House bill to incorporate the town of Clifton Forge, in county of Alleghany, which was read a first time.

Mr. GEE, under a suspension of the rule, presented

No. 204. House bill for the relief of Allen Temple, deputy sheriff of Prince George county, which was read a first time.

No. 162. House bill to authorize the treasurer to adjust the claim of the commonwealth against the sureties of the Planters and Mechanics bank of Petersburg, was on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read the second time and ordered to be engrossed.

No. 126. House bill to amend and re-enact sections 2 and 7, chapter 26, Code of 1873, relating to the tax on collateral inheritance, as amended by the act approved March 18, 1884, was on motion of Mr. PORTER, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

Mr. BANKS moved that the House do now adjourn, which was rejected—yeas 5; nays 38.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Brockwell, Gee, Nance, Parker, and Ross—5.

NAYS—Messrs. Speaker, William A. Anderson, Baker, Barton, Bolen, Camper, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Ellis, Grattan, Jones, Keen,

Kelly, Lawson, Leigh, Loving, Marshall, David Meade, Moffett, Moorefield, Opie, Overby, Porter, Powell, Pretlow, Saunders, Seay, Smith, Stribling, Trigg, John W. Vaughan, R. F. Vaughan, Weescott, and Wilkins—38.

Messrs. HARRISON, RICHARDSON, PAXTON, MUSTARD of *Tazewell*, BAILEY, McCANDLISH, ECHOLS, HUBARD, and BANKS, were designated as present and failing to vote, and were counted on the negative of the question, and in addition were entered on the Journal as present and not voting.

No. 189. House bill to empower the University of Virginia to contract a loan, was on motion of Mr. SMITH, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

On motion of Mr. STUART, the House adjourned.

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WEDNESDAY, NOVEMBER 26, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 25, 1884.*

The Senate have passed House bill entitled an act to prohibit the board of supervisors of each of the counties bordering on the bays, rivers, and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes, to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake, and to prevent a double tax on oysters transported to market on steam vessels; No. 98.

Senate joint resolution authorizing the board of public works to pay for guarding the public storehouse, was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. EVANS of *Richmond city*, requiring its reference to a committee.

No. 205. House bill to amend and re-enact the twelfth and fourteenth sections of an act entitled an act to repeal chapter 91 of the Code of 1873, and all acts and parts of acts in relation to pilots and piloting of vessels, and to enact a law to govern and regulate pilots and piloting of vessels in the waters of the state of Virginia, reported from the committee on the Chesapeake and its tributaries, was read a first time.

No. 206. House bill to authorize the council of the town of Covington to issue bonds and negotiate the same, and to condemn land for the purpose of constructing water works for said town, reported from the committee on counties, cities, and towns, was read a first time.

No. 207. House bill to authorize a cavalry and infantry company of Pulaski county to select their own uniform, reported from the committee on militia and police, was read a first time.

Mr. PETERS, under a suspension of the rule, presented

No. 208. House bill for the repeal of the act approved March 3, 1884, making Smith's river in the county of Henry a lawful fence between certain points; which was read a first time.

Mr. OPIE, under a suspension of the rule, presented

No. 209. House bill to incorporate the Dunsmore commercial and business college at Staunton, Virginia; which was read a first time.

Mr. HUBARD offered the following resolution:

Whereas the president of the United States and the governor of this state have designated the 27th of November as the day of general thanksgiving; therefore, be it

Resolved, That when the House adjourns to-day, it will be to meet on the 28th day of November at 11 o'clock, A. M.

Mr. STUART moved to dismiss the resolution; which motion was agreed to—yeas 24; nays 49.

On motion of Mr. Ross, the vote was recorded as follows:

YEAS—Messrs. Banks, Brockwell, Curtis, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hubbard, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Parker, Richardson, Ross, Scott, Stewart, Ward, Wescott, and Wheeler—24.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Jones, Keen, Kelly, Lawson, Leftwich, Leigh, Loving, David Meade, Moffett, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Seay, Smith, Stribling, Trigg, John W. Vaughan, R. F. Vaughan, Wilkins, and Winn—49.

The committee on enrolled bills report that the governor has approved the following:

An act in relation to the school fund of Charlotte.

An act to incorporate the Abingdon and Laurel railroad company.

An act to amend and re-enact section 10 of an act approved February 25, 1884, entitled an act to incorporate the town of Greenville, Augusta county.

An act for the relief of the estate of R. S. Slayton and his widow, Ann Slayton.

An act to amend and re-enact section 28 of an act approved March 8, 1884, entitled an act providing for the working and repairing of public roads and bridges.

An act to provide an increase of the district school funds of Hiawasee district of the county of Pulaski.

An act to amend and re-enact sections 1 and 12 of an act entitled an act to incorporate the Virginia and Kentucky railroad company, approved March 3, 1884.

An act to provide for a new registration for the city of Portsmouth.

An act to authorize the board of supervisors of Fauquier county, to increase the salary of the county judge of said county.

Joint resolution to extend the time for the payment of taxes for the year 1884, in Bedford county.

Act to authorize the Richmond and Alleghany railroad company or its successor company to issue preferred stock, and to facilitate the reorganization thereof.

An act to incorporate the Ladies' Benevolent Society of Danville, Virginia.

An act to amend and re-enact section 4 of chapter 182 of the Code as amended by an act approved February 14, 1874, as amended by an act approved April 2, 1877, as amended by an act approved March 9, 1880, as amended by an act approved March 10, 1884, in relation to judgment and other liens.

An act to relieve R. J. Caldwell from the payment of a fine.

An act to incorporate the Bishop Paine divinity and industrial school in Virginia.

An act for the relief of John McClure.

An act to provide for securing to the state money due to it by any of its officers.

An act to provide for filling a vacancy in the office of attorney-general.

An act to amend and re-enact section 18 of an act to amend and re-enact the charter of the town of North Danville, approved March 7, 1884.

An act to incorporate the town of Stewart, in the county of Patrick.

An act to allow David E. Bass, late treasurer of Campbell county, further time to return list of insolvents and delinquents.

An act to incorporate the town of Lynch's Station, in the county of Campbell.

An act to amend section 53 of chapter 167 of the Code of 1873, as amended by an act approved February 12, 1884, in relation to orders and decrees.

An act to incorporate the Old Dominion accident insurance and guarantee company.

An act providing local option for Lunenburg county.

An act to authorize the county surveyors to administer oaths and affirmations.

An act to provide the manner in which the Nelson improvement company may obtain a license to operate its telephones and fix the amount to be paid therefor.

An act to incorporate the Norfolk and Cape Henry railroad company.

An act to allow George W. Butts to construct a causeway and erect a wharf or pier from the main land of the Shackly hill farm to Shackly hill islands, in the Nansemond river, in Nansemond county, and thence to the old channel of said river, for the purpose of shipping and receiving freight and passengers.

An act to amend and re-enact an act entitled an act to provide for

a general index of deeds and fiduciary accounts in counties and corporations that have not been supplied, approved March 29, 1877.

An act granting relief to J. L. McIntosh, treasurer of Loudoun county.

An act for the relief of the estate of C. H. Lynch, of Campbell county.

An act for the relief of O. B. Thomas, treasurer of Fluvanna county.

An act to amend and re-enact an act entitled an act to provide for working the roads in the counties of Chesterfield, Powhatan, and Goochland, approved March 13, 1884.

Joint resolution authorizing the governor of Virginia to pay George H. Bagwell for services rendered in establishing the boundary line between Virginia and Maryland.

An act to incorporate the town of Boykins.

An act extending the time for the payment of taxes for the year 1884 in Essex county.

An act to declare Mud Fork, in the county of Tazewell, navigable for a certain distance.

An act to authorize the receiver in the case of the Holmes Presbyterian church, of Northampton vs. The New York, Philadelphia and Norfolk railroad company, to pay money to the trustees of said church.

An act for the relief of the tax-payers of Alleghany county.

An act for the relief of Mrs. Martha S. Slaughter, of the county of Charlotte.

An act for the relief of John W. Richardson, treasurer of Smyth county.

An act to amend and re-enact sections 2 and 14 of an act approved March 3, 1884, entitled an act to provide for working the public roads of the county of Grayson.

An act in relation to an increase of the compensation of the clerk of Greensville and other counties.

An act to amend and re-enact section 6 of chapter 80 of the Code of 1873, in reference to the powers and duties of the board of visitors to the University of Virginia, and confirm certain proceedings of said board heretofore had for the condemnation and purchase of land.

An act authorizing the surviving trustees of the Meadville academy to sell the property.

An act to erect wharf in Mathews county.

An act to amend the 6th and 7th sections of chapter 95 of the Acts of 1881-82, entitled an act to incorporate the Atlantic and Danville narrow-gauge railroad company, and to add another section thereto.

An act to amend an act entitled an act to amend an act approved April 22, 1882, in relation to the compensation of clerks of circuit courts, in force March 17, 1884.

Joint resolution to take such steps as may be necessary to deter-

mine the rights of James G. Field, late attorney-general, to money drawn from the treasury, and to recover the same if he is not entitled thereto.

An act to expedite the building of the Iron Belt railroad in part.

An act to amend and re-enact an act approved January 28, 1884, for the relief of A. N. Finks, of Madison county.

An act for the relief of Charles W. McClaugherty, late sheriff of Giles county.

An act for the relief of R. Smith, W. E. Perry, W. P. Cecil, James Thompson, Joseph Harrison, H. R. Bogle, H. S. Brown, J. R. Whitten, and W. W. Harrison, sureties of John Thompson, late sheriff of Tazewell county.

An act to submit to the qualified voters of Northampton county the question of abolishing the present fence law in said county.

An act for the relief of John T. W. Custis, late commissioner of the revenue of Northampton county, and William J. Euritt, late commissioner of the revenue of Augusta county.

An act to amend and re-enact sections 13 and 48 of an act entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them from the waters of the commonwealth.

An act for the relief of Swinfield Stanly, late sheriff of Henry county, and his sureties.

An act to amend and re-enact section 4 of an act entitled an act to incorporate the Lynchburg and Southwest railroad company, approved March 7, 1884.

An act for the relief of John W. Green and his deputies.

An act for the relief of D. W. Dunn, late treasurer of Bland county, and his deputies.

The morning hour having expired, the House proceeded to the business on the calendar:

The motion made by Mr. ANDERSON of *Rockbridge*, to reconsider the vote by which No. 115, Senate bill to amend and re-enact section 34, chapter 118, Code of 1873, limiting the time for contesting wills to two years, was passed, was rejected.

No. 121. Senate bill granting relief to V. G. Dunnington, treasurer of Lynchburg, from certain judgments for costs under coupon proceedings against him, was, on motion of Mr. LEFTWICH, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 62; nays 1.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bolen, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gee, Gibson, Gordon, Grattan, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hobson, Hubbard, Jones, Keen, Lawson, Leftwich, Leigh, Loving, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ross, Ryan, Saunders, Seay, Smith, Stribling, Trigg, R. F. Vaughan, Westcott, Wilkins, Winn, and Wheeler—62.

NAYS—Mr. Scott—1.

Mr. LEFTWICH moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 64. Senate bill entitled an act to amend and re-enact sections 5 and 6 of an act in force February 20, 1884, creating the county board of school commissioners, &c., was read a third time and passed.

Mr. CHAPMAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. TRIGG carry the bill to the Senate, and request their concurrence in the amendment of the House.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the amendments of the House to Senate bills entitled an act to allow further time for the treasurer of Henrico county to make returns of delinquent taxes, No. 35; and an act to amend and re-enact sections 5 and 6 of an act in force February 20, 1884, creating the county board of school commissioners, &c., No. 64; and had agreed to the amendments of the House to the amendments of the Senate to House bill entitled an act to amend and re-enact section 1 of an act entitled an act for making and repairing division fences between coterminous land owners in the counties of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun, and Frederick, approved March 6, 1882, and as amended and re-enacted by an act approved April 14, 1884, No. 121; and have passed House bill entitled an act to authorize James D. Campbell and others, the trustees in whom is vested the legal title to the tract of land in Louisa county, held by them as a manse for the use of the Providence church, to sell and convey the said manse, No. 62.

No. 94. Senate bill entitled an act to amend and re-enact section 5, chapter 300, Acts 1879-80, as amended by an act approved April 18, 1882, in relation to the charter of the Consolidated Southern railway company, came up.

Mr. PORTER moved to dismiss the bill; which motion was rejected.

On motion of Mr. GIBSON, the bill was committed to the committee on roads and internal navigation.

No. 65. Senate bill to regulate the licensing of teachers in public free schools, was read a third time and passed.

Mr. CARDWELL moved to reconsider the vote by which the bill was passed; which motion was rejected.

The hour of 12 o'clock, M., having arrived,

Special order No. 114. Senate bill entitled an act to authorize the Richmond and Danville railroad company to invest in and operate railroads and transportation lines in this and in other states.

The question being on agreeing to the amendment offered by Mr. KEEN, as follows:

Strike out all between the word "lines" in the fourth line of the first section, and the word "or" in the fifth line of the same section,

and insert the following "chartered by the laws of North Carolina or any state other than Virginia"—

Was put and decided in the affirmative—yeas 39; nays 37.

On motion of Mr. STUART, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Ellis, Thomas J. Evans, Grattan, Hazlewood, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Marshall, David Meade, Moffett, Moorefield, Paxton, Powell, Pretlow, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wilkins—39.

**NAYS**—Messrs. Baker, Banks, Dodson, Echols, Garnett, Gee, Gordon, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hubbard, Loving, Luttrell, McCandlish, Charles C. Meade, Mooklar, Moon, W. G. Mustard, Nance, Noblin, Opie, Overby, Parker, Peters, Porter, Richardson, Ross, Ryan, Saunders, Scott, Seay, Smith, Stribling, Winn, and Wheeler—37.

The bill was ordered to its third reading—yeas 43; nays 30.

On motion of Mr. DUNLOP, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Baker, Banks, Camper, Cardwell, Dodson, Echols, Ellis, Garnett, Gee, Gordon, Grandstaff, Grattan, Duff Green, Armistead Green, Harris, Harrison, Hubbard, Lawson, Loving, McCandlish, Marshall, Mooklar, Moon, Nance, Noblin, Opie, Overby, Paxton, Peters, Porter, Pretlow, Richardson, Ryan, Saunders, Scott, Seay, Smith, Stribling, Tabb, Winn, and Wheeler—43.

**NAYS**—Messrs. R. J. Anderson, Bailey, Barton, Bolen, Burks, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Thomas J. Evans, Hazlewood, Hobson, Jones, Kelly, Leftwich, Luttrell, David Meade, Moffett, Moorefield, Parker, Ross, Stewart, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wilkins—30.

Mr. STUART moved to reconsider the vote by which the bill was ordered to its third reading.

Mr. HAZLEWOOD moved to pass by the motion to reconsider; which motion was rejected.

The motion by Mr. STUART, to reconsider, was rejected.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the amendment of the House to Senate bill entitled an act authorizing the commissioners of the sinking fund to employ counsel in certain cases, No. 152.

The hour of one o'clock P. M., having arrived,

Special order, No. 171. House bill to provide for inspection of mines, and appointment of inspector of mines, was read a third time and passed—yeas 51; nays 13.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. R. J. Anderson, William A. Anderson, Baker, Banks, Bolen, Burks, Christian, Crockett, Curtis, Dodson, Dunlop, Echols, Ellis, Garnett, Gee, Gibson, Grandstaff, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hobson, Hubbard, Kelly, Loving, McCandlish, Marshall, Charles C. Meade, David Meade, Mooklar, Moorefield, W. G. Mustard, Nance, Noblin, Overby, Parker, Paxton, Peters, Porter, Richardson, Ross, Scott, Stewart, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wilkins, and Wheeler—51.

**NAYS**—Messrs. Barton, Cardwell, Chapman, Gordon, Grattan, Jones, Leftwich, Luttrell, Opie, Ryan, Saunders, Smith, and Stribling—13.

Mr. MUSTARD of *Tazewell*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 73, House bill entitled an act for the relief of the Shenandoah valley and other agricultural societies, with an amendment; in which they respectfully request the concurrence of the House.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed House bill entitled an act to pay to Waller R. Staples and John W. Daniel, for professional services rendered the state in the litigation involving the validity of the congressional apportionment act, No. 160, with an amendment.

The SPEAKER laid the bill before the House.

The amendment of the Senate as follows:

Amend the 2d and 3d lines by striking out "five hundred," and inserting in lieu thereof the words "three hundred," was agreed to.

Mr. ANDERSON of *Rockbridge*, moved to reconsider the vote by which the amendment was agreed to; which motion was rejected.

No. 58. Senate bill entitled an act to prevent the spreading of diseases among domestic animals, came up.

Mr. MARSHALL moved to dismiss the bill; which motion was rejected.

On motion of Mr. RYAN, the bill was amended by striking out in 1st and 2d lines of section 1 the words "domestic animals which," and inserting "hogs that"—yeas 39; nays 15.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Crockett, Dunlop, Fitzpatrick, Garnett, Gee, Gibson, Gordon, Armistead Green, Hobson, Jones, Lawson, Loving, Charles C. Meade, David Meade, Moffett, Moon, Moorefield, Nance, Noblin, Overby, Porter, Pretlow, Ryan, Saunders, Seay, Smith, Stribling, Trigg, John W. Vaughan, and Ward—39.

NAYS—Messrs. Speaker, Dodson, Echols, Grandstaff, Duff Green, Hubbard, Kelly, McCandlish, Marshall, Parker, Peters, Richardson, Ross, R. F. Vaughan, and Wilkins—15.

On motion of Mr. ANDERSON of *Rockbridge*, the bill was amended in 2d line of 1st section by adding the words "or natural causes."

The bill was ordered to its third reading.

The SPEAKER laid before the House a communication from the governor in relation to the arrest and discharge of certain citizens of Virginia charged with unlawful dredging in the Potomac river by the authorities of Maryland.

On motion of Mr. GIBSON, the communication was passed by and ordered to be printed. Doc. No. 7.

No. 118. Senate bill entitled an act to amend and re-enact section 15, chapter 20 of the Code of 1873, in regard to the doorkeeper to the executive, messenger to the governor, and secretary of the commonwealth, was read a third time and passed—yeas 51; nays 17.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Crockett, Curtis, Darst, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Harris, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moon, Moorefield, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Smith, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, and Wescott—51.

**NAYS**—Messrs. Banks, Dodson, Garnett, Gee, Grandstaff, Duff Green, Hubbard, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Richardson, Ross, Scott, Stewart, and Wheeler—17.

On motion of Mr JONES, the House adjourned.

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THURSDAY, NOVEMBER 27, 1884.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 26, 1884.*

The Senate have passed House bills entitled an act to provide the times for holding the courts in the ninth judicial circuit, No. 68; an act to provide for working the roads in the county of Goochland, No. 40; an act to provide compensation for the Senate when sitting as a court of impeachment during the recess of the General Assembly, and the expenses incident thereto, No. 137; an act to repeal an act entitled an act authorizing a review by the county court of the decision of justices of the peace in cases of misdemeanor, approved March 31, 1875, No. 110; an act for the relief of the sureties of J. L. F. Campbell, No. 127; an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to secure to tax-payers in cities and towns, the rights of public school education for their children, approved March 17, 1884, No. 90; an act for the relief of the sureties of John F. Jones, late treasurer of Craig county, No. 153; an act to authorize the Rockbridge artillery company, and the Danville grays of the city of Danville, to adopt a uniform for its members, No. 145; an act for the protection of fish in Back bay, in Princess Anne county, Virginia, No. 139; an act to amend an act entitled an act to incorporate the Grand Lodge of the Sons of Zion benevolent society of Virginia, approved February 9, 1882, No. 133; an act in relation to fences in Berkley district in the county of Spotsylvania, No. 124; an act to amend and re enact section 1 of an act approved February 25, 1884, entitled an act to allow mileage to jurors, No. 107; an act to appropriate money to complete the new asylum building near Petersburg, known as the Central lunatic asylum, No. 136; an act to extend the time for imposing the

penalty of five per centum for non-payment of taxes for the second assessors district of Norfolk, No. 94; an act authorizing the governor to loan to the Fishburn military school at Waynesboro', arms, No. 157; an act to provide for removing obstructions in Little Roanoke creek in Charlotte county, Virginia, No. 180; an act for the relief of the heirs of Martha C. Ball, No. 192; an act to amend and re-enact an act approved March 6, 1882, in reference to the fence law of Dinwiddie and Norfolk counties, No. 120; and an act to provide compensation to the clerks of the county and corporation courts for making records of delinquent lands and receiving payment of taxes on same, No. 122.

They have passed with amendments, House bills entitled an act to amend an act approved March 17, 1884, requiring railroad companies to construct cattle-guards, No. 131; an act to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against or notice to a corporation, No. 66; an act to amend section 6 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them from the waters of the commonwealth, as amended by an act approved August —, 1884, No. 156.

They have rejected House bill entitled an act to amend and re-enact the first section of an act approved February 15, 1879, entitled an act providing for the rebinding of books of record, No. 63.

They have passed Senate bills entitled an act for the relief of Hugh M. Pattan, late deputy treasurer of Culpeper county, No. 180; an act to provide for a new registration of the voters of the city of Richmond, No. 164; an act to incorporate the Norfolk and Nottoway railroad company, No. 151; an act to amend an act entitled an act to provide a new charter for the town of Suffolk, in force March 18, 1872, No. 87; and an act for the relief of C. M. Adkinson of Halifax county, No. 149.

In which amendments and bills they respectfully request the concurrence of the House of Delegates.

Nos. 180, 149, 151, and 164, Senate bills were read twice and placed on the calendar, the rule having been suspended on motions severally made requiring their reference to committees.

No 131. House bill was placed on the calendar, the rule having been suspended on motion of Mr. MEADE of *Clarke*, requiring its reference to a committee.

No. 66. House bill was placed on the calendar, the rule having been suspended on motion of Mr. BARTON, requiring its reference to a committee.

No. 156. House bill, was placed on the calendar, the rule having been suspended, on motion of Mr. WILKINS, requiring its reference to a committee.

No. 87. Senate bill was read twice and referred to the committee on counties, cities and towns.

No. 73. House bill for the relief of the Shenandoah Valley and other agricultural societies, was placed on the calendar, the rule having been suspended on motion of Mr. BARTON, requiring its reference to a committee.

No. 94. Senate bill entitled an act to amend and re-enact section 5, chapter 300, Acts of 1879-80, as amended by an act approved April 18, 1882, in relation to the charter of the Consolidated Southern railway company, was reported from the committee on roads and internal navigation with an amendment.

The following report was agreed to:

Your committee for courts of justice beg leave to report with reference to the charges and specifications against Charles H. Miller, judge of the county court of Montgomery county, referred to them, that these charges are of a very serious nature, and if it was possible, would demand prompt action by the House of Delegates looking to their immediate trial, and if proven requiring the removal of Judge Miller from his office, either by joint vote of the two houses of the General Assembly or by impeachment before the Senate.

The provisions of the constitution requiring twenty days' notice, inasmuch as within that time the right of the General Assembly to sit will have expired by limitation of the constitution, forbid the consideration of action by joint resolution. With regard to impeachment, we desire to report that we could not prefer articles, unless they are supported by sufficient evidence to make it probable that these grave charges can upon trial be sustained. We are told that this evidence exists and can be produced, but to justify action by us, we think some evidence must actually be produced before us. The fact that the witnesses live at a great distance, and that the session of the House of Delegates cannot in all probability continue more than a few days, make it impracticable to obtain the evidence. We are compelled, therefore, to report that action upon these charges should be deferred to the next General Assembly, and to ask that this committee be discharged from their further consideration.

Respectfully reported,

R. T. BARTON, *Chairman.*

The morning hour having expired, the House proceeded to the business on the calendar.

Mr. STUART moved to reconsider the vote by which the report of the committee of conference on No. 3, House bill entitled an act to provide for the assessment of real estate in the year 1885, and every fifth year thereafter, was agreed to; which motion was rejected.

No. 73. House bill for the relief of the Shenandoah Valley and other agricultural societies, was, on motion of Mr. BARTON, taken up out of its order on the calendar.

The amendment of the Senate was agreed to—yeas 54; nays 5.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Baker, Barton, Brockwell, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grandstaff, Armistead Green, Harris, Harrison, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Porter, Powell, Pretlow, Ryan, Saunders, Scott, Stewart, Stribling, Tabb, Trigg, Ward, Wescott, Wilkins, and Wheeler—64.

NAYS—Messrs. Burks, Hubbard, McCandlish, Peters, and John W. Vaughan—5

Mr. BARTON moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was rejected.

Mr. MOON moved to suspend the rule and take up out of their order on the calendar, House engrossed bills; which motion was rejected—yeas 35; nays 25—not two-thirds voting in the affirmative.

On motion of Mr. ECHOLS, the vote was recorded as follows:

**YEAS**—Messrs. R. J. Anderson, William A. Anderson, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Curtis, Darst, Thomas J. Evans, Gordon, Grattan, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Mooklar, Moon, Moorefield, Noblin, Paxton, Peters, Porter, Ryan, Stribling, Tabb, Ward, Weescott, and Wilkins—85.

**NAYS**—Messrs. Brockwell, Crockett, Dolson, Echols, Garnett, Gee, Grandstaff, Armistead Green, Harris, Hubbard, Kelly, McCandlish, W. G. Mustard, Opie, Overby, Parker, Powell, Pretlow, Ross, Saunders, Scott, Stewart, Trigg, John W. Vaughan, and Wheeler—25.

No. 156. House bill to amend section 6 of an act approved March 4, 1884, entitled an act for the preservation of oysters and to obtain revenue for the privilege of taking them from the waters of the commonwealth, as amended by an act approved August —, 1884, came up.

The amendment proposed by the Senate was agreed to.

Mr. WILKINS moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was rejected.

No. 131. House bill entitled an act to amend an act approved March 17, 1884, requiring railroad companies to construct cattle-guards, came up.

The amendments of the Senate were agreed to.

Motions severally made by Mr. MEADE of *Clarke*, to reconsider the votes by which the amendments of the Senate were agreed to, were rejected.

No. 66. House bill to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against or notice to a corporation, came up.

The amendment of the Senate was agreed to.

Mr. OVERBY moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was rejected.

No. 58. Senate bill to prevent the spreading of diseases among domestic animals, came up.

Mr. ECHOLS moved to reconsider the vote by which the bill was ordered to its third reading; which motion was rejected.

The bill was read a third time and rejected.

Mr. RYAN moved to reconsider the vote by which the bill was rejected; which motion was agreed to.

The question recurring on the passage of the bill, was put and decided in the affirmative.

No. 114. Senate bill to authorize the Richmond and Danville railroad company to invest in and operate railroads and transporta-

tion lines in this and in other states, was read a third time and passed.

Mr. STUART moved to amend the title by striking out the words "in this and"; which motion was agreed to.

Mr. BAKER moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BAKER carry the bill to the Senate, and request their concurrence in the amendment of the House.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the amendment of the House.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 189, Senate bill to authorize the board of supervisors of Fairfax county to borrow money and issue bonds; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was read twice and placed on the calendar, the rule having been suspended, on motion of Mr. STUART, requiring its reference to a committee.

No. 109. Senate bill to amend section 11 of chapter 7 of the Code of 1873, in regard to registration of voters, was read a third time and passed—yeas 50; nays 18.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Thomas J. Evans, Gibson, Gordon, Grattan, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, David Meade, Moffett, Mooklar, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Smith, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, and Wilkins—50.

NAYS—Messrs. Banks, Brockwell, Garnett, Gee, Grandstaff, Armistead Green, Harris, Harrison, Hubbard, McCandlish, Charles C. Meade, Nance, Parker, Richardson, Ross, Scott, Stewart, and Wheeler—18.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the bill was passed.

Mr. HUBARD moved to pass by the motion to reconsider; which motion was rejected—yeas 19; nays 46.

On motion of Mr. HUBARD, the vote was recorded as follows:

YEAS—Messrs. Brockwell, Dodson, Garnett, Gee, Grandstaff, Armistead Green, Harris, Harrison, Hubbard, McCandlish, Charles C. Meade, Mookler, W. G. Mustard, Nance, Parker, Richardson, Ross, Scott, and Wheeler—19.

NAYS—Messrs. R. J. Anderson, William A. Anderson, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Loving, Luttrell, David Meade, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Powell, Saunders, Seay, Smith, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wilkins—46.

The motion by Mr. EVANS of *Richmond city*, to reconsider the vote by which the bill was passed, was rejected—yeas 17; nays 46.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Grandstaff, Harris, Harrison, Hubard, McCandlish, Charles C. Meade, W. G. Mustard, Nance, Parker, Ross, Scott, and Wheeler—17.

**NAYS**—Messrs. R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dunlop, Thomas J. Evans, Gibson, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, David Meade, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Powell, Ryan, Saunders, Seay, Smith, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wilkins—46.

No. 75. Senate bill entitled an act to amend and re-enact an act approved August 27, 1884, entitled an act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts, 1881-2, approved February 14, 1882, was read a third time and rejected—yeas 46; nays 16.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Bolen, Burks, Camper, Cardwell, Chapman, Crockett, Curtis, Darst, Dunlop, Ellis, Thomas J. Evans, Gordon, Grattan, Hazlewood, Hobson, Jones, Kelly, Lawson, Leftwich, Leigh, Luttrell, Marshall, David Meade, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Powell, Ryan, Scott, Smith, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wilkins—46.

**NAYS**—Messrs. Barton, Brockwell, Christian, Echols, Gee, Grandstaff, Armistead Green, Loving, McCandlish, Charles C. Meade, W. G. Mustard, Parker, Richardson, Saunders, Stribling, and Wheeler—16.

Mr. ECHOLS moved to reconsider the vote by which the bill was rejected; which motion was agreed to.

The question recurring on the passage of the bill, was put and decided in the affirmative—yeas 57; nays 6.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Banks, Burks, Camper, Cardwell, Crockett, Darst, Dodson, Dunlop, Echols, Ellis, Garnett, Gee, Grandstaff, Grattan, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hobson, Hubard, Jones, Kelly, Lawson, Leftwich, McCandlish, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Pretlow, Richardson, Ryan, Scott, Smith, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wheeler—57.

**NAYS**—Messrs. Barton, Christian, Thomas J. Evans, Loving, Saunders, and Stribling—6.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 179, Senate bill entitled an act to authorize the Seaboard and Roanoke railroad company to invest in and operate railroads and transportation lines chartered by the laws of other states; in which they respectfully request the concurrence of the House.

The SPEAKER laid the bill before the House.

The bill was placed on the calendar, the rule having been sus-

pending, on motion of Mr. BANKS, requiring its reference to a committee—yeas 51; nays 19.

On motion of Mr. CURTIS, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Barton, Brockwell, Camper, Cardwell, Darst, Echols, Ellis, Garnett, Gordon, Grattan, Armistead Green, Harris, Harrison, Hobson, Hubbard, Jones, Lawson, Leigh, Loving, Luttrell, Marshall, Charles C. Meade, David Meade, Moffett, Mocklar, Moon, Moorefield, W. G. Mustard, Nance, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ross, Ryan, Saunders, Scott, Seay, Smith, Stribbling, Tabb, Ward, Wescott, and Wilkins—51.

**NAYS**—Messrs. R. J. Anderson, Bailey, Burks, Chapman, Christian, Crockett, Curtis, Dodson, Dunlop, Thomas J. Evans, Gibson, Griggs, Hazlewood, Kelley, Leftwich, McCandlish, Trigg, John W. Vaughan, and R. F. Vaughan—19.

No. 68. Senate bill entitled an act to amend and re-enact section 25, chapter 58 of the Code of 1873, so as to prescribe in what banks the money of the state shall be kept, came up.

The first and second amendments proposed by the committee on finance as follows:

After the word “national” in the last line of page 2, insert the words “or state.”

Second amendment. In line 4 of page 3, after the word “national,” insert the words “or state”—

Were agreed to.

On motion of Mr. OPIE, the bill was amended by striking out all after the word “in” in first line, twenty-fifth section, as proposed to be amended, down to and including the word “Roanoke” in eighth line of said section, and inserting in lieu thereof, the word “in any banks, state or national that the board of commissioners of the sinking fund may designate.”

On motion of Mr. PORTER, the bill was amended by striking out all after the word “bank” in fifth line, third page, down to and including the word “bonds” in eleventh line, third page.

On motion of Mr. SMITH, the bill was recommitted to the committee on finance.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 178, Senate bill to provide for a register of all the property of the state and the public institutions of the state, real and personal, including choses in action, &c., in which they respectfully request the concurrence of the House.

On motion of Mr. SMITH, the calendar was postponed for two minutes.

Mr. SMITH offered the following resolution:

Resolved, That the chair be vacated at 2½ o'clock, P. M., and resumed at 8 o'clock, P. M.—yeas 36; nays 15.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Bolen, Camper, Cardwell, Christian, Crockett, Curtis, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Hob-

son, Jones, Kelly, Lawson, Leigh, Loving, Luttrell, Marshall, Moffett, Noblin, Ople, Overby, Peters, Porter, Powell, Pretlow, Smith, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, and Wilkins—86.

**NAVS**—Messrs. Bailey, Barton, Burks, Garnett, Grattan, Harris, Hubard, Leftwich, Charles C. Meade, Moon, Moorefield, W. G. Mustard, Saunders, Scott, and Seay—15.

No. 189. Senate bill entitled an act to authorize the board supervisors of Fairfax county to borrow money and issue bonds, was on motion of Mr. LEIGH, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. LEIGH moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 202. House bill to reorganize the Virginia agricultural and mechanical college, and for this purpose to repeal section 19 of chapter 77 of the Code of Virginia, edition of 1873, and chapter 241 of the Acts of 1879–80, approved March 9, 1880, was on motion of Mr. ELLIS, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 203. House bill to incorporate the town of Clifton Forge in county of Alleghany, was on motion of Mr. JONES, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 151. House bill in regard to the pay of commissioners of the revenue, was on motion of Mr. WARD, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 54. Senate bill for the relief of John W. Irvine of Amherst county.

The SPEAKER laid the bill before the House.

The bill was read twice and placed on the calendar, the rule having been suspended on motion of Mr. LOVING, requiring its reference to a committee.

No. 20. Senate bill entitled an act to provide for the establishment of the Southwestern lunatic asylum, was on motion of Mr. TRIGG, taken up out of its order on the calendar.

On motion of Mr. OPLE, the bill was amended by striking out in the first and second lines the words "fifty-two thousand dollars," and inserting in lieu thereof, the words "twenty-seven thousand dollars."

On motion of Mr. TRIGG, the bill was amended by striking out the words "ten thousand" wherever they appear in the sixth section, and inserting the words "five thousand."

Pending the further consideration of the bill,

The hour of 2½ o'clock P. M. having arrived, the chair was vacated until 8 o'clock P. M.

## EVENING SESSION.

The chair was resumed at 8 o'clock, P. M.

Prayer by Rev. T. A. Reid.

No. 20. Senate bill entitled an act to provide for the establishment of the Southwestern lunatic asylum, came up.

On motion of Mr. SMITH, the bill was amended by adding after the word "dollars," in 12th line of 3d section, the following: "And no part of the appropriations, other than the two thousand dollars hereinafter mentioned, shall be drawn from the treasury of the state until the plans and specifications of the building shall have been first submitted to the board of public works of the state, and approved by it, as not to cost, when completed, more than one hundred thousand dollars."

On motion of Mr. TRIGG, the bill was amended by inserting after the word "is," in 12th line of 3d section, the word "then."

The bill was ordered to its third reading—yeas 51; nays 14.

On motion of Mr. BARTON, the vote was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Banks, Bolen, Brockwell, Burks, Camper, Cardwell, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Garnett, Gee, Grandstaff, Grattan, Duff Green, Griggs, Harris, Harrison, Hobson, Hubbard, Lawson, Leftwich, Loving, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, W. G. Mustard, Nance, Opie, Overby, Parker, Paxton, Peters, Porter, Pretlow, Richardson, Ross, Saunders, Scott, Smith, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, and Wescott—51.

NAYS—Messrs. R. J. Anderson, Barton, Chapman, Christian, Thomas J. Evans, Gordon, Jones, Leigh, Luttrell, Moorefield, Noblin, Powell, Ryan, and Stribling—14.

No. 209. House bill to incorporate the Dunsmore commercial and business college at Staunton, Virginia, was, on motion of Mr. OPIE, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 205. House bill to amend and re-enact the 12th and 14th sections of an act entitled an act to repeal chapter 91 of the Code of 1873, and all acts and parts of acts in relation to pilots and piloting of vessels, and to enact a law to govern and regulate pilots and piloting of vessels in the waters of the state of Virginia, was, on motion of Mr. CURTIS, taken up out of its order on the calendar.

On motion of Mr. CURTIS, the bill was made a special continuing order for to-morrow, at 12 o'clock, M.

No. 179. Senate bill entitled an act to authorize the Seaboard and Roanoke railroad company to invest in and operate railroads and transportation lines chartered by the laws of other states, was on motion of Mr. PORTER, taken up out of its order on the calendar.

Mr. BANKS moved the pending question; which was ordered.

The bill was read a third time and passed.

Mr. BANKS moved to reconsider the vote by which the bill was passed.

Mr. SMITH moved the pending question, which was ordered.

The motion to reconsider was rejected—yeas 15; nays 46.

On motion of Mr. BARTON, the vote was recorded as follows:

**YEAS**—Messrs. Cardwell, Chapman, Christian, Curtis, Dodson, Dunlop, Thomas J. Evans, Hobson, Luttrell, Nance, Scott, Stewart, Trigg, John W. Vaughan, and Wheeler—15

**NAYS**—Messrs. Speaker, Banks, Barton, Bolen, Brockwell, Burks, Camper, Crockett, Darst, Echols, Garnett, Gee, Gordon, Grattan, Griggs, Harris, Harrison, Hubbard, Jones, Lawson, Loving, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ross, Ryan, Saunders, Smith, Stribling, Tabb, and Wescott—46.

On motion of Mr. MOON, the House proceeded to the consideration of House engrossed bills.

No. 161. House engrossed bill for the relief of the sureties of Peyton R. Ford, late collector of Madison township in Charlotte county, Virginia, was read a third time and rejected—yeas 44; nays 2.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Burks, Camper, Cardwell, Christian, Crockett, Darst, Echols, Thomas J. Evans, Garnett, Grattan, Griggs, Harris, Harrison, Hobson, Jones, Lawson, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moon, Moorefield, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Stribling, Tabb, Trigg, R. F. Vaughan, Wescott, and Wheeler—44.

**NAYS**—Messrs. Brockwell and Hubbard—2.

MESSRS. CURTIS, PARKER, DUNLOP, DODSON, VAUGHAN of *Grayson*, and MEADE of *Scott*, were designated as present and failing to vote, and were counted on the negative of the question, and in addition were entered on the Journal as present and not voting.

Mr. HUBARD moved to reconsider the vote by which the bill was rejected.

On motion of Mr. PETERS, the motion to reconsider was passed by.

On motion of Mr. RYAN, the House adjourned.

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FRIDAY, NOVEMBER 28, 1884.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 27, 1884.*

The Senate have passed House bill entitled an act for the relief of certain sureties of Stephen H. Turner, late treasurer of Amherst, on his official bonds dated 29th June, 1883, No. 198.

They have rejected House joint resolution to protect citizens dredging in the Potomac river from arrest.

They have passed Senate bills entitled an act to quiet titles of purchasers of delinquent lands sold under the act of April 2, 1873, No. 137; an act to authorize the board of supervisors of the county of Bedford, to supplement the compensation of the treasurer of said county, for the year 1884, No. 175; an act requiring the superintendent of schools in the county of Hanover, to pay over to the trustees of Hall's free school in said county, in each and every year, from the moneys belonging to the school fund of Beaver Dam district in said county, a sum equal to that appropriated to any other school with the like number of scholars in said district, No. 188; an act to amend and re-enact section 3 of an act entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, approved March 15, 1884, No. 187; an act to provide for the payment of a judgment recovered by the Kendall bank note company of New York against the board of commissioners of the sinking fund of Virginia, No. 172; an act authorizing the board of visitors of the Virginia military institute to sell and convey certain lots of land not needed for the purposes of said institution, No. 167; an act to amend and re-enact chapter 340, sections 1, 2, 3, 4, 5, 6, and 7, Session Acts 1883-4, in relation to the Virginia normal and collegiate institute, No. 166; an act incorporating the Willis river improvement company, for the purpose of the improvement and navigation of Willis river in Cumberland county, Virginia, No. 160; an act to incorporate the Bowling Green tobacco association, No. 156; an act to amend section 24 of chapter 450, Acts of 1883-4, in regard to the assessment of taxes on persons, property, incomes, &c., No. 155; an act for the relief of the sureties of J. H. Blair, late treasurer of Wise county, No. 150; an act to provide for the payment of costs incurred by treasurers or collectors of taxes in certain cases, No. 147; an act for the relief of Lemuel W. Haynes, No. 101; an act to incorporate the Elba beneficial and social society of Richmond, No. 141; an act to amend and re-enact an act approved March 5, 1880, entitled an act prohibiting the hauling of seines in the creeks of the counties of Accomac and Northampton, No. 138; an act to incorporate the Byrd cemetery company in Goochland county, No. 119; an act to provide for certifying in judgments and preserving evidence of waiver of homestead and illegality of homestead claim against certain claims, No. 104; an act to incorporate the Atlantic and North Carolina railway company, No. 100; an act to incorporate the Association of Sons and Daughters of Honor and Liberty of Lunenburg county, Virginia, No. 96; an act to amend and re-enact section 17 of chapter 13 of the Code of 1873, as amended by an act to amend and re-enact certain sections of the Code of 1873, and certain acts of assembly amendatory thereof, and other acts of assembly in relation to salaries of certain officers of government and their employees, compensation of members and officers of the General Assembly, mileage and other allow-

ances to define the salaries of certain officers, and to repeal chapter 153 of the act of 1874, and section 27 of chapter 16, and sections 5, 16, and 24 of chapter 18 of the Code of 1873, and all others acts or parts of acts in conflict therewith, approved March 12, 1878, No. 81; an act to direct the commissioners of the sinking fund to collect all interest which had accrued up to and including July 1, 1884, upon the bonds purchased by them under an act approved March 15, 1884, entitled an act appropriating the public revenues for the fiscal years 1884 and 1885, and to invest the same in Virginia three per cent. bonds issued under the act of the General Assembly, approved February 14, 1882, entitled an act to ascertain and declare Virginia's equitable share of the debts created before and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of interest thereon, No. 80; an act for the relief of C. W. Hill, late judge of the hustings court of the city of Portsmouth, No. 26; and an act to direct the sale of the state's interest in the Richmond, Fredericksburg and Potomac railroad, No. 177; in which bills they respectfully request the concurrence of the House of Delegates.

Nos. 81, 147, 155, 80, 172, and 187. Senate bills, were read twice and referred to the committee on finance.

Nos. 104 and 137. Senate bills, were read twice and referred to the committee for courts of justice.

No. 141. Senate bill, was read twice and referred to the committee on propositions and grievances.

Nos. 177, 26, 100, 96, 119, 138, 101, 150, 156, 160, 188, 166, 167, and 175. Senate bills, were read twice and placed on the calendar, the rule having been suspended on motions severally made requiring their reference to committees.

No. 178. Senate bill entitled an act to provide for a register of all the property of the state, and the public institutions of the state, real and personal, including choses in actions, &c., was read twice and placed on the calendar, the rule having been suspended on motion of Mr. ECHOLS, requiring its reference to a committee.

No. 68. Senate bill entitled an act to amend and re-enact section 25, chapter 58 of the Code of 1873, so as to prescribe in what banks the moneys of the state shall be kept, heretofore recommitteed to the committee on finance, was reported back with amendments.

No. 127. Senate bill entitled an act authorizing payment of the amount due the city of Richmond for gas used in the public buildings of the state, was reported from the committee on finance.

The morning hour having expired, the House proceeded to the business on the calendar.

No. 174. House engrossed bill to authorize the board of supervisors of Sussex county to increase the salary of the county judge,

was on motion of Mr. HARRISON, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. HARRISON moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 138. House engrossed bill to incorporate the Powhatan oyster company, and to grant it certain privileges, was, on motion of Mr. CHRISTIAN, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 67; nays 1.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Banks, Barton, Bishop, Bolen, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Gee, Gordon, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ryan, Saunders, Scott, Smith, Stewart, Stribling, Tabb, Trigg, J. W. Vaughan, R. F. Vaughan, Ward, Wescott, Wheeler, and White—67.

NAYS—Mr. Winn—1.

Mr. CHRISTIAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 204. House bill for the relief of Allen Temple, deputy sheriff of Prince George county, was, on motion of Mr. GEE, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 154. House bill to furnish artificial limbs to soldiers who lost theirs during the late war, was, on motion of Mr. MUSTARD of *Tazewell*, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

Mr. SMITH moved to reconsider the vote by which No. 20, Senate bill entitled an act to provide for the establishment of the South-western lunatic asylum was ordered to its third reading; which motion was agreed to.

Mr. SMITH moved to reconsider the vote by which the amendment offered by Mr. TRIGG, as follows:

“After the word ‘is,’ in the 12th line of 3d section, insert the word ‘their,’” was agreed to; which motion was agreed to.

The question recurring on agreeing to the amendment offered by Mr. TRIGG, was put, and decided in the negative.

The bill was ordered to its third reading.

No. 165. House bill for the better protection of the stockholders and depositors of the banks of the commonwealth, was on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a second time.

On motion of Mr. ANDERSON of *Rockbridge*, the bill was amended by adding at end of section 4 the following: “Or at the discretion

of the jury with confinement in the penitentiary for a period of not less than one nor more than three years."

The bill as amended was ordered to be engrossed.

No. 20. Senate bill entitled an act to provide for the establishment of the Southwestern lunatic asylum, was on motion of Mr. TRIGG, taken up out of its order on the calendar—yeas 51; nays 12.

On motion of Mr. CHAPMAN, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Banks, Brockwell, Burks, Camper, Cardwell, Crockett, Curtis, Dodson, Dunlop, Ellis, Thomas J. Evans, Garnett, Gee, Grandstaff, Armistead Green, Griggs, Harris, Harrison, Hobson, Hubbard, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Charles C. Meade, David Meade, Mooklar, Munford, W. G. Mustard, Nance, Opie, Overby, Parker, Paxton, Powell, Richardson, Ross, Scott, Smith, Stewart, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wheeler, and White—51.

**NAYS**—Messrs. Barton, Bolen, Chapman, Echols, Gordon, Jones, Luttrell, Moorefield, Noblin, Peters, Saunders, and Stribling—12.

The bill was read a third time and passed—yeas 56; nays 15.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, William A. Anderson, Baker, Banks, Bishop, Brockwell, Burks, Camper, Cardwell, Crockett, Darst, Dodson, Dunlop, Ellis, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hobson, Hubbard, Lawson, Leftwich, Loving, McCandlish, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, W. G. Mustard, Nance, Opie, Overby, Parker, Paxton, Porter, Pretlow, Richardson, Ross, Saunders, Scott, Smith, Stewart, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wheeler, and White—56.

**NAYS**—Messrs. Barton, Chapman, Christian, Echols, Thomas J. Evans, Gordon, Jones, Leigh, Luttrell, Moorefield, Noblin, Peters, Powell, Ryan, and Stribling—15.

Mr. TRIGG moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. TRIGG carry the bill to the Senate, and request their concurrence in the amendments of the House.

The hour of 12 o'clock, M., having arrived,

Special order No. 205. House bill to amend and re-enact the 12th and 14th sections of an act entitled an act to repeal chapter 91 of the Code of 1873, and all acts and parts of acts in relation to pilots and piloting of vessels, and to enact a law to govern and regulate pilots and piloting of vessels in the waters of the state of Virginia, approved April 19, 1882, came up.

Mr. CHRISTIAN moved to recommit the bill to the committee on the Chesapeake and its tributaries; which motion was agreed to.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the amendment of the House to Senate bill entitled an act to prevent the spreading of diseases among domestic animals, No. 58.

A message was received from the governor as follows:

## COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, November 28, 1884.

*To the House of Delegates:*

I respectfully return House bill No. 197, without signature.

It partially meets the objections which were offered to the election bill which originated in the Senate, but not sufficiently so to remove them. Under the circumstances, I must ask the General Assembly to accept all responsibility for the measure.

WILLIAM E. CAMERON.

The SPEAKER laid the message before the House.

On motion of Mr. CARDWELL, the bill was passed by.

No. 202. House engrossed bill to reorganize the Virginia agricultural and mechanical college, and for this purpose to repeal section 19 of chapter 77 of the Code of Virginia, edition of 1873, and chapter 241 of the Acts of Assembly of 1879-80, approved March 9, 1880, was on motion of Mr. ELLIS, taken up out of its order on the calendar—yeas 46; nays 22.

On motion of Mr. CARDWELL, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Ryan, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, and Wescott—46.

**NAYS**—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Hazlewood, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Parker, Richardson, Ross, Saunders, Scott, Stewart, and Wheeler—22.

The bill was read a third time and passed—yeas 49; nays 21.

On motion of Mr. HUBARD, the vote was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Dunlop, Echols, Ellis, Thomas J. Evans, Gordon, Grattan, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moon, Moorefield, Munford, Noblin, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Smith, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, and Wescott—49.

**NAYS**—Messrs. Banks, Brockwell, Dodson, Garnett, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Hazlewood, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Parker, Richardson, Ross, Scott, Stewart, and Wheeler—21.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. ELLIS carry the bill to the Senate, and request their concurrence.

No. 180. Senate bill entitled an act for the relief of Hugh M. Patton, late deputy treasurer of Culpeper county, was, on motion of Mr. CHAPMAN, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. CHAPMAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Senate joint resolution authorizing the board of public works to pay for guarding the public warehouse, was, on motion of Mr. EVANS of *Richmond city*, taken up out of its order on the calendar.

The resolution was read a third time and agreed to—yeas 57; nays 1.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, William A. Anderson, Bailey, Baker, Barton, Bishop, Burks, Camper, Cardwell, Chapman, Christian, Darst, Dunlop, Ellis, Thomas J. Evans, Gibson, Gordon, Grandstaff, Armistead Green, Griggs, Harris, Harrison, Hobson, Hubbard, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, Charles C. Meade, David Meade, Moffett, Mooklar, Moorefield, Munford, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ross, Ryan, Saunders, Scott, Stribling, Tabb, Trigg, Ward, Wheeler, and White—57.

NAYS—Mr. Echols—1.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the Senate resolution was agreed to; which motion was rejected.

No. 195. House engrossed bill to require the auditor of public accounts to pay Dr. Wm. B. K. Price, the sum allowed him by the county court of King George, for his services as an expert for a trial for murder in said county, was on motion of Mr. GREEN of *Stafford*, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 53.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Bishop, Bolen, Brockwell, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Thomas J. Evans, Garnett, Gordon, Grandstaff, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hobson, Hubbard, Jones, Leftwich, Leigh, Loving, McCandlish, Marshall, David Meade, Mooklar, Moorefield, W. G. Mustard, Nance, Noblin, Overby, Parker, Paxton, Peters, Porter, Pretlow, Richardson, Ross, Scott, Stewart, Tabb, Trigg, Ward, Wheeler, and White—53.

Mr. GREEN of *Stafford*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

The motion made by Mr. HUBARD to reconsider the vote by which No. 161, House bill for the relief of the sureties of Peyton R. Ford, late collector of Madison township of Charlotte county, Virginia, was rejected, was agreed to.

The question recurring on the passage of the bill was put and decided in the affirmative—yeas 68; nays 1.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Brockwell, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Curtis, Darst, Dodson, Dunlop, Echols, Thomas J. Evans, Garnett, Gee, Gordon, Grandstaff, Grattan, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, Marshall, Charles C. Meade, David Meade, Moffett, Moorefield, Nance, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ross, Ryan, Saunders,

Scott, Smith, Stewart, Stribling, Tabb, Trigg, John W. Vaughan, Ward, Wescott, Wheeler, and White—68.

YEAS—Mr. Griggs—1.

Ordered, That Mr. OVERBY carry the bill to the Senate, and request their concurrence.

Mr. BAKER moved to take up out of its order on the calendar, No. 188, House bill to regulate the practice of pharmacy in the state of Virginia; which motion was rejected.

Mr. RYAN moved that the House do now adjourn; which was rejected—yeas 19; nays 46.

On motion of Mr. CARDWELL, the vote was recorded as follows:

YEAS—Messrs. Bailey, Bolen, Brockwell, Camper, Gee, Grandstaff, Duff Green, Armistead Green, McCandlish, Marshall, Parker, Ross, Ryan, Scott, Stewart, Stribling, Wescott, Wheeler, and White—19.

YEAS—Messrs. Speaker, William A. Anderson, Baker, Barton, Bishop, Burks, Cardwell, Christian, Crockett, Darst, Dodson, Dunlop, Echols, Thomas J. Evans, Garnett, Grattan, Harris, Harrison, Hobson, Jones, Lawson, Leftwich, Leigh, Loving, Charles C. Meade, David Meade, Moffett, Mooklar, Moon, Moorefield, Munford, Nance, Noblin, Opie, Paxton, Peters, Porter, Powell, Pretlow, Saunders, Smith, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, and Ward—46.

No. 173. House engrossed bill to amend section 2 of chapter 548, Acts of 1888-4, entitled an act to provide for the sale of land delinquent for taxes and county levies, was on motion of Mr. MOON, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 57.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bishop, Bolen, Brockwell, Burks, Cardwell, Chapman, Christian, Crockett, Dodson, Dunlop, Thomas J. Evans, Garnett, Gibson, Grattan, Duff Green, Armistead Green, Harris, Harrison, Hazlewood, Hubard, Jones, Lawson, Leigh, Loving, McCandlish, Charles C. Meade, David Meade, Moon, Moorefield, W. G. Mustard, Nance, Noblin, Opie, Overby, Parker, Porter, Powell, Pretlow, Richardson, Ross, Ryan, Scott, Stewart, Stribling, Tabb, Trigg, R. F. Vaughan, Wescott, Wheeler, and White—57.

Mr. MOON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. MOON carry the bill to the Senate and request their concurrence.

No. 151. House engrossed bill in regard to the pay of commissioners of the revenue, was on motion of Mr. WARD, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 54; nays 1.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, Barton, Bishop, Cardwell, Crockett, Dunlop, Echols, Thomas J. Evans, Garnett, Gee, Grandstaff, Grattan, Duff Green, Armistead Green, Griggs, Harris, Harrison, Hazlewood, Hubard, Jones, Lawson, Leftwich, Leigh, Loving, McCandlish, Marshall, Charles C. Meade, David Meade, Mooklar, Moorefield, Munford, W. G. Mustard, Nance, Noblin, Opie, Overby, Parker, Paxton,

Peters, Porter, Powell, Pretlow, Richardson, Ross, Scott, Smith, Stewart, Tabb, Trigg, R. F. Vaughan, Ward, Wescott, Wheeler, and White—54.

**NAYS**—Mr. Brockwell—1.

Mr. WARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 172. House engrossed bill to amend an act entitled an act to prevent obstructions to the free passage of fish in the streams of the state, approved March 9, 1880, and add another section to said act applying to the rivers Smith and Dan above tide-water, was, on motion of Mr. PETERS, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 209. House engrossed bill to incorporate the Dunsmore commercial and business college at Staunton, Virginia, was, on motion of Mr. OPIE, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. OPIE moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. OPIE carry the bill to the Senate, and request their concurrence.

No. 199. House engrossed bill directing the auditor of public accounts to suspend proceedings against the sureties of George S. Cady, late sheriff of Culpeper county, was, on motion of Mr. SMITH, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 53; nays 1.

The vote required by the constitution was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Banks, Barton, Bishop, Bolen, Brockwell, Burks, Cardwell, Chapman, Crockett, Darst, Dodson, Dunlop, Echols, Ellis, Thomas J. Evans, Garnett, Grattan, Duff Green, Armistead Green, Harris, Hazlewood, Jones, Lawson, Leigh, Loving, Marshall, Charles C. Meade, David Meade, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Opie, Overby, Parker, Paxton, Peters, Powell, Pretlow, Richardson, Scott, Smith, Stewart, Stribling, Tabb, J. W. Vaughan, R. F. Vaughan, and Wheeler—58.

**NAYS**—Mr. Ross—1.

Mr. SMITH moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. SMITH carry the bill to the Senate and request their concurrence.

No. 54. Senate bill entitled an act for the relief of John W. Irvine of Amherst county, was on motion of Mr. LOVING, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 57.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Barton, Bishop, Burks, Camper, Cardwell, Darst, Dodson, Dunlop, Echols, Thomas J. Evans, Garnett, Gee, Grandstaff, Grattan, Armistead Green, Griggs, Harris, Harrison, Hubbard, Jones, Lawson, Leftwich, Leigh, Marshall, Charles C. Meade, David Meade,

Mooklar, Moon, Moorefield, Munford, Noblin, Opie, Overby, Parker, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ryan, Saunders, Scott, Smith, Stewart, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wheeler, and White—57.

Mr. LOVING moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 182. House engrossed bill for the relief of Charles H. Hart, late treasurer of Isle of Wight county, was, on motion of Mr. LAWSON, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. LAWSON moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 203. House engrossed bill to incorporate the town of Clifton Forge in the county of Alleghany, was, on motion of Mr. JONES, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. JONES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 160. Senate bill entitled an act incorporating the Willis river improvement company for the purpose of improvement and navigation of Willis river in Cumberland county, Virginia, was, on motion of Mr. HUBARD, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. HUBARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 126. House engrossed bill to amend and re-enact sections 2 and 7, chapter 26, Code of 1873, relating to the tax on collateral inheritance as amended by the act approved March 18, 1884, was, on motion of Mr. PORTER, taken up out of its order on the calendar.

On motion of Mr. BARTON, the bill was passed by.

No. 68. Senate bill entitled an act to amend and re-enact section 25, chapter 58 of the Code of 1873, so as to prescribe in what banks the money of the state shall be kept, was, on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The amendments proposed by the committee on finance, were agreed to.

Pending the further consideration of the bill,

On motion of Mr. BROOKWELL, the House adjourned.

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SATURDAY, NOVEMBER 29, 1884.

Prayer by Rev. T. A. Reid.

The Journal was read by the clerk.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 28, 1884.*

The Senate have passed House bills entitled an act to amend section 2 of chapter 548, Acts of 1883-4, entitled an act to provide for the sale of land delinquent for taxes and county levies, No. 173; and an act to incorporate the Dunsmore commercial and business college at Staunton, Virginia, No. 209.

They have agreed to the amendments of the House of Delegates to Senate bill entitled an act to provide for the establishment of the Southwestern Lunatic Asylum, No. 20.

No. 210. House bill to amend and re-enact the 47th section of 52d chapter of Code of 1873, in relation to building bridges between adjacent counties, reported from the committee on counties, cities, and towns, was read a first time.

The SPEAKER laid before the House a communication from the auditor of public accounts in reference to the defalcation of Joseph Mayo, late treasurer of the commonwealth.

The communication was referred to the committee for courts of justice.

Mr. OPIE offered the following resolution:

Resolved, That a committee be appointed by the Speaker to consist of five members of the House, who shall examine into the contract entered into at the penitentiary, with whom made, for what length of time, price paid, and any other matter connected with the same.

The House refused to refer the resolution.

The resolution was agreed to.

Mr. MOON from the special committee appointed to examine into certain fees paid James G. Field, late attorney-general, and in relation to moneys heretofore paid into the auditor's office, and not covered into the treasury, submitted a report.

Mr. CARDWELL moved to pass by the report and print five hundred copies; which was agreed to. Doc. No. 8.

Mr. BARTON offered the following resolution:

Resolved, That a committee of three members of the House be appointed by the Speaker, whose duty it shall be to continue and complete the investigation commenced by the special committee—Messrs. MOON and BARTON—as shown by the report dated November 29, 1884; said committee shall have leave to sit in vacation, after the adjournment of the General Assembly; to send for persons and papers; to employ a clerk, expert, and stenographer, and to have their reports printed; and the necessary expenses of this committee shall be certified for payment by the clerk of the House of Delegates, when such expenses are certified to him by the chairman of the committee.

The question being on agreeing to the resolution, was put and decided in the affirmative.

Mr. BARTON moved to reconsider the vote by which the resolution was agreed to; which motion was rejected.

The SPEAKER appointed Messrs. MOON, BARTON and HAZLEWOOD, the committee under the resolution.

Mr. STUART offered the following resolution :

Resolved, That the clerk of the House of Delegates and the keeper of the rolls, be authorized to retain the services of a clerk to assist him in the discharge of his duties for a period not exceeding thirty days after the adjournment of the General Assembly, and at a rate of compensation not exceeding that allowed to a clerk of a committee.

The resolution was agreed to.

Mr. GIBSON offered the following resolution :

Resolved, That fifty dollars additional be paid to each of the following officers of the House: to the sergeant-at-arms, to the assistant clerk, to the committee clerks, and to the enrolling clerk; and that twenty-five dollars additional be paid to each of the pages, and to the janitor: provided that the acceptance of the above-named sums by the parties entitled, shall debar said officers and employees from instituting any legal proceedings against the state for pay or per diem during the summer recess of this legislature, and shall be construed to be in full of all pay and demands against this state for services during said recess.

The resolution was agreed to.

Mr. GIBSON offered the following resolution; which was agreed to:

Resolved, That fifty dollars additional be paid to each of the two doorkeepers of the House of Delegates for services during the several sessions of this Legislature: provided that the acceptance of the above-named sum by the said doorkeepers shall debar them from instituting any legal proceedings against the state of Virginia for pay or per diem for services during the summer recess of the Legislature, and shall be construed to be in full of all pay and demands against the state for services during said recess.

Leave of absence was granted Messrs. WILKINS, GRATTAN, DARST and WINN, for one day each.

The morning hour having expired, the House proceeded to business on the calendar.

No. 197. House bill entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 3 of chapter 7 of the Code of 1873, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a

general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-73, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 370, Acts 1870-71, and which is section 24 of chapter 8 of Code 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force, and defining the duties and powers of the electoral boards created under this act, came up with the objections of the governor.

The question being, "Will the House after re-consideration agree to pass the bill"? was put and decided in the affirmative—yeas 54; nays 25.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moon, Moorefield, Munford, Noblin, Opie, Overby, Porter, Powell, Pretlow, Ryan, Saunders, Seay, Smith, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, and Wilkins—54.

**NAYS**—Messrs. Banks, Brockwell, Dodson, Garnett, Gee, Grandstaff, Duff Green, Armistead Green, Griffin, Griggs, Harris, Harrison, Hazlewood, Hubard, McCandlish, Charles C. Meade, Mooklar, W. G. Mustard, Nance, Parker, Richardson, Ross, Scott, Stewart, and Wheeler—25.

The **SPEAKER** declared the bill passed notwithstanding the objections of the governor.

Ordered, That Mr. **ANDERSON** of *Rockbridge*, communicate the passage of the bill to the Senate with the objections of the governor.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 197, House bill notwithstanding the objections of the governor.

No. 178. Senate bill entitled an act to provide for a register of all the property of the state and the public institutions of the state, real and personal, including choses in action, etc., was, on motion of Mr. **BARTON**, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. **BARTON** moved to reconsider the vote by which the bill was passed; which motion was rejected.

The following Senate bills taken up out of their order on the calendar, were read a third time and passed:

No. 101. Senate bill entitled an act for the relief of Lemuel W. Haynes. (On motion of Mr. **JONES**)—yeas 52; nays none.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, Barton, Bishop, Bolen, Brockwell, Burks, Camper, Chapman, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gibson,

Gordon, Armistead Green, Harris, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, Charles C. Meade, Moffett, Moorefield, W. G. Mustard, Nance, Noblin, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ross, Saunders, Seay, Smith, Stewart, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—52.

No. 164. Senate bill entitled an act to provide for a new registration of the voters of the city of Richmond. (On motion of Mr. EVANS of *Richmond city*.)

No. 188. Senate bill entitled an act requiring the superintendent of schools in the county of Hanover to pay over to the trustees of Hall's free school, in said county, in each and every year, from the moneys belonging to the school fund of Beaver Dam district, in said county, a sum equal to that appropriated to any other school, with the like number of scholars in said district. (On motion of Mr. CARDWELL.)

No. 149. Senate bill entitled an act for the relief of C. M. Adkinson, of Halifax county. (On motion of Mr. MOOREFIELD)—yeas 53.

The vote required by the constitution was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Gibson, Gordon, Graves, Armistead Green, Jones, Lawson, Leftwich, Loving, Luttrell, McCandlish, Marshall, Charles C. Meade, David Meade, Moffett, Mooklar, Moon, Moorefield, W. G. Mustard, Nance, Overby, Peters, Porter, Powell, Pretlow, Ryan, Seay, Smith, Stewart, Stribling, Tabb, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—53.

No. 150. Senate bill entitled an act for the relief of the sureties of J. H. Blair, late treasurer of Wise county. (On motion of Mr. MUNFORD.)

No. 156. Senate bill entitled an act to incorporate the Bowling Green tobacco association. (On motion of Mr. CARDWELL.)

No. 26. Senate bill entitled an act for the relief of C. W. Hill, late judge of the hustings court of the city of Portsmouth. (On motion of Mr. PORTER.)

No. 167. Senate bill entitled an act authorizing the board of visitors of the Virginia military institute to sell and convey certain lots of land not needed for the purposes of said institution. (On motion of Mr. ANDERSON of *Rockbridge*.)

Motions severally made to reconsider the votes by which Nos. 101, 164, 188, 150, 156, 26, and 167, Senate bills, were passed, were rejected.

On motion of Mr. GRAVES, the committee on banks, currency, and commerce, was discharged from the further consideration of No. 146, Senate bill entitled an act to require banks incorporated within the commonwealth of Virginia to make stated reports to the auditor of public accounts.

On motion of Mr. GRAVES, the bill was taken up out of its order on the calender.

The bill was read a third time and passed.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

On motion of Mr. BARTON, the committee on finance was discharged from the further consideration of No. 81, Senate bill entitled an act to amend and re-enact section 17 of chapter 13 of the Code of 1873, as amended by an act to amend and re-enact certain sections of the Code of 1873, and certain acts of assembly amendatory thereof, and other acts of assembly in relation to salaries of certain officers of government and their employees, compensation of members and officers of the General Assembly, mileage and other allowances; to define the salaries of certain officers, and to repeal chapter 153 of the Acts of 1874, and section 27 of chapter 16, and sections 5, 16, and 24 of chapter 13 of the Code of 1873, and all other acts or parts of acts in conflict therewith, approved March 12, 1878.

On motion of Mr. BARTON, the bill was taken up out of its order on the calendar.

The bill was read a third time and rejected—yeas 43; nays 2.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Camper, Cardwell, Chapman, Crockett, Dunlop, Ellis, Thomas J. Evans, Gibson, Armistead Green, Harris, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Marshall, Charles C. Meade, David Meade, Moffett, Moon, Moorefield, Opie, Paxton, Peters, Porter, Pretlow, Ryan, Seay, Stewart, Stribling, Tabb, Trigg, R. F. Vaughan, Ward, Wheeler, and Whitehead—43.

NAYS—Messrs. Echols, and Saunders—2.

Mr. BARTON moved that the House do now adjourn; which motion was rejected—yeas 1; nays 51.

On motion of Mr. BARTON the vote was recorded as follows:

YEAS—Mr. Harris—1.

NAYS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Hobson, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, Charles C. Meade, David Meade, Moffett, Moorefield, Munford, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Seay, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Weecott, Wilkins, and Whitehead—51.

A message was received from the Senate by Mr. McCORMICK, who informed the House that the Senate had agreed to Senate joint resolution to elect members of the several electoral boards in the several counties and cities of the commonwealth, as follows:

*Resolved (the House of Delegates concurring),* That the following persons be and they are hereby elected and appointed to compose the electoral boards in the respective counties and cities in which they reside, in accordance with the provisions of an act in force November 29, 1884, entitled an act to provide for the manner of choosing registrars and judges and clerks of election for the several counties and cities of the commonwealth, and to repeal sections 8 and 24 of chapter 8, and sections 2 and 8 of chapter 7 of the Code of 1878, as amended and re-enacted by an act approved August 25, 1884, entitled an act to amend and re-enact sections 1 and 10 of an act entitled an

act to provide for a general registration of voters, approved April 12, 1870, chapter 46, sections 1 and 10, pages 55 and 57, Acts 1869-70, which are sections 2 and 3 of chapter 7 of Code of 1873, and section 24 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 24, page 82, Acts of 1869-70, as amended by an act entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, approved March 20, 1873, chapter 200, section 1, page 185, Acts 1872-73, and which is section 8 of chapter 8, Code of 1873, and section 40 of an act entitled an act to provide for a general election, approved May 11, 1870, chapter 76, section 40, page 88, Acts 1869-70, as amended by an act entitled an act to amend and re-enact sections 39, 40, and 58 of an act entitled an act to provide for a general election, approved May 11, 1870, as amended and re-enacted by an act approved July 11, 1870, chapter 279, section 1, page 870, Acts 1870-71, and which is section 24 of chapter 8 of Code 1873, and to make valid all registrations and elections held since the act of February 14, 1884, became in force:

Accomac—Dr. John L. Harmonson, John W. Gillet, John O. Selby.  
 Albemarle—William R. Burnley, M. Durrett, B. H. Magruder.  
 Alexandria—Robert Walker, Robert Veitch, D. N. Rust.  
 Alleghany—John A. Carson, John L. Irvine, A. A. McAlister.  
 Amelia—John Wingo, Robert G. Southall, Lemuel H. Vaughan.  
 Amherst—Ro. N. Ellis, William Sandidge, William T. Anderson.  
 Appomattox—W. N. Horsely, James A. Walker, F. B. Jones.  
 Augusta—William F. Smith, C. Benton Kolner, Samuel H. McCue.  
 Bath—M. H. McClintic, A. F. Withrow, George Woodzell.  
 Bedford—Mercer H. Gray, John H. Hopkins, John W. Johnston.  
 Bland—H. C. Groseclose, H. G. Hicks, J. H. Bruce.  
 Botetourt—Carey Breckenridge, William B. Bowyer, John J. Allan.  
 Brunswick—Edward Drumgoole, J. W. Bailey, Robert Turnbull.  
 Buchanan—Sam'l L. Graham, J. N. Watkins, John M. Ratcliff.  
 Buckingham—Landon C. Mosely, J. C. Turner, J. T. McKenna.  
 Campbell—Abner Early, J. M. Lawson, Stephen Adams.  
 Caroline—John H. Martin, James C. DeJarnette, Dr. N. M. Corbin.  
 Carroll—James B. Johnson, W. R. Gardner, Adanijah Lineberry.  
 Charles City—A. C. Hill, D. G. Tyler, W. W. Pierce.  
 Charlotte—J. D. Shepperson, J. H. Wingo, J. J. Overby.  
 Chesterfield—W. H. Wherry, John L. Grubbs, George E. Robertson.  
 Clarke—John J. Rieley, George Glass, W. F. Meade.  
 Craig—Augustus C. Givens, E. T. Myers, Y. O. Scott.  
 Culpeper—William Nalle, John Long, John W. Payne.  
 Cumberland—Edmund R. Cocke, S. B. Powers, Tucker C. Johnson.  
 Dickenson—J. E. French, Henry Hall, William Vanover, Sr.  
 Dinwiddie—Knox Thompson, S. D. Allan, E. C. Powell.  
 Elizabeth City—J. C. Phillips, John Brown, George M. Peek.  
 Essex—W. D. Sale, A. R. Micow, B. L. Farinholt.  
 Fairfax—James P. Machen, W. S. Smoot, R. W. Gaillard.  
 Fauquier—A. D. Payne, John W. Kincheloe, Theodore C. Pilcher.  
 Floyd—Asa Bishop, F. O. Dobyns, William H. Poff.  
 Fluvanna—Henry W. Sadler, Charles J. Perkins, John O. Haden.  
 Franklin—J. A. Dupey, Jonathan McNeil, Thomas J. Pelter.  
 Frederick—John W. Tavenner, Jos. M. Barton, J. K. McCann.  
 Giles—Charles Payne, Sr., William P. Shumate, Samuel B. Shannon.  
 Gloucester—Warner T. Jones, J. R. Ross, H. C. Bland.  
 Goochland—James M. Trice, Richard A. Winston, Arthur M. Seddon.  
 Grayson—J. J. Thomas, A. A. Bryant, L. H. Hampton.  
 Greene—N. B. Chapman, E. B. McMullin, Benj. Herndon.  
 Greensville—P. F. Weaver, George H. Bailey, James F. Powell.  
 Halifax—W. J. Jordon, H. C. Cousins, W. B. Wilkins.  
 Hanover—Julien M. Ruffin, William P. Shelton, John Page.  
 Henrico—Z. G. McGruder, Thomas Johnston, A. M. Braxton.  
 Henry—Dr. R. H. Jones, Marrian M. Koger, James S. Bondurant.  
 Highland—L. H. Stephenson, S. A. Porter, J. B. Bradshaw.  
 Isle of Wight—George H. Jordon, Charles H. Hart, Mills B. Minton.  
 James City—Samuel Edwards, James Banks, Jr., Robert A. Bright.  
 King & Queen—C. B. Jones, Spotswood Byrd, B. F. Bowden.

King George—Edwin D. Brown, W. R. Taylor, J. Nathaniel Peed.  
 King William—O. O. Gwaltmy, William V. Croxton, W. M. Gary, Jr.  
 Lancaster—John E. Blackmore, Thomas A. Pinkard, W. J. Newbill.  
 Lee—H. C. T. Richmond, H. C. Joselyn, Charles Bailey.  
 Loudoun—James McDaniel, J. C. Coleman, Joseph L. Norris.  
 Louisa—Frank V. Winston, P. P. May, William B. Pendleton.  
 Lunenburg—John Jackson, Isaac B. Bell, R. H. Allen.  
 Madison—William A. Collins, B. M. Buckner, John J. Clore.  
 Mathews—Charles C. Davis, Ro. E. Hudgins, John E. Snow.  
 Mecklenburg—W. T. Atkins, Fulner Skipwith, S. P. Read.  
 Middlesex—John K. Segar, William E. Christian, Ro. Healey.  
 Montgomery—A. J. Deyerle, W. G. Hall, Joshua Lester.  
 Nansemond—Thomas H. Barnes, Sydney T. Ellis, E. B. Britt.  
 Nelson—J. T. Brown, B. T. Gordon, James Harvey.  
 New Kent—John A. Davis, Thomas Barham, A. P. Richardson.  
 Norfolk—Joseph T. Duke, N. M. Sykes, John W. Gibbs.  
 Northampton—John R. Tankard, Nathaniel Holland, Oliver Nottingham.  
 Northumberland—L. R. Bromley, A. J. Brent, L. T. Harding.  
 Nottoway—James G. Epes, Edward S. Deane, W. T. Harvey.  
 Orange—William G. Williams, George S. Parker, John T. Payne.  
 Page—H. J. Smoot, E. S. Booten, F. W. Berry.  
 Patrick—William D. Smith, Chap. J. Harbour, James Mills.  
 Pittsylvania—Langhorne Scruggs, A. J. Clarke, William W. Moses.  
 Powhatan—Robert Page, Willis J. Dance, John B. Watkins.  
 Prince Edward—J. P. Fitzgerald, R. H. Watkins, R. A. Miller.  
 Prince George—R. E. Bland, George W. Williams, Mann Page.  
 Prince William—Crawford Cushing, Joseph B. Reid, G. W. Tansill.  
 Princess Anne—John L. Nash, Wm. H. H. Batton, Alexander C. Bell.  
 Pulaski—H. B. Howe, Robert M. Chumbly, William L. Painter.  
 Rappahannock—W. T. Yancy, F. L. Slaughter, H. A. Wood.  
 Richmond—James M. Seaton, F. A. Shackelford, John M. Lyell.  
 Roanoke—W. W. Berkley, M. P. Crawford, John M. Oakey.  
 Rockbridge—Jacob W. Arnold, James K. Edmondson, Hugh Adams.  
 Rockingham—George R. Eastham, J. W. F. Alemond, W. T. Jennings.  
 Russell—Henry Stewart, Isaac Fickler, Davis Alderson.  
 Scott—John M. Hoge, A. P. Henderson, James H. Horton.  
 Shenandoah—A. P. McInturff, Henry C. Magruder, Henry S. Wunder.  
 Smyth—James S. Greever, Samuel Cox, C. D. Carter.  
 Southampton—James M. Corbett, L. R. Edwards, R. L. Boykin.  
 Spotsylvania—James L. Rawlings, Benjamin F. Graves, Benjamin F. Bullock.  
 Stafford—D. M. Lee, Powhatan Moncure, Edgar Moore.  
 Surry—R. D. Gilliam, M. Q. Holt, S. H. Burt.  
 Sussex—George W. Jackson, L. P. Hargrove, W. H. Dillard.  
 Tazewell—Thomas Perry, Geo. W. Spotts, Jos. Gillespie.  
 Warren—Fayette Updike, Thomas W. Timberlake, Leroy Leach.  
 Warwick—H. K. Harwood, John L. Curtis, Douglas Smith.  
 Washington—David M. Stuart, John Roberts, Salmon M. Withers.  
 Westmoreland—Willoughby Newton, John Harvey, Richard H. Stuart.  
 Wise—A. G. Robinson, William Walfe, H. H. Dodson.  
 Wythe—James H. McGavock, W. O. Moore, John Porter.  
 York—B. F. Smith, Dr. R. E. Power, J. H. Townsend.  
 Alexandria city—Allen T. Ramsey, Thomas Leadwater, John A. Marshall.  
 Danville—A. M. Aiken, Tarlton L. Brown, Harry Wooding.  
 Fredericksburg—St. George R. Fitzhugh, R. G. Swift, W. D. Scott.  
 Lynchburg—G. Carter Glass, Mosby H. Payne, J. B. Work.  
 Manchester—F. C. D. Farmer, John O'Brien, David J. Weisiger.  
 Norfolk city—M. T. Cooke, H. L. Smith, A. J. Dalton.  
 North Danville—T. J. Corbin, B. F. Jefferson, William A. Baugh.  
 Petersburg—E. C. Venable, Charles A. Jackson, Robert Gilliam, Jr.  
 Portsmouth—W. S. Langhorne, Dennis Callahan, W. R. Minter.  
 Richmond city—W. H. Palmer, Wm. H. Oullingworth, R. Taylor Pemberton.  
 Staunton—James Bumgardner, Jr., J. A. Cochran, N. M. Varner.  
 Williamsburg—Sidney Smith, Jr., H. L. Hundley, B. W. Bowery.  
 Roanoke city—William Carr, Joseph A. Gale, Thomas Engleby.  
 Winchester—Lewis N. Huck, H. Clay Crebs, W. H. Hardy.

The SPEAKER laid the Senate joint resolution before the House.

The Senate joint resolution was agreed to—yeas 53; nays 6.

On motion of Mr. ANDERSON of *Rockbridge*, the vote was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bolen, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, David Meade, Moffett, Moon, Moorefield, Munford, Opie, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Seay, Smith, Stribling, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, and Whitehead—53.

NAYS—Messrs. Armistead Green, Harris, McCandlish, Charles C. Meade, W. G. Mustard, and Nance—6.

Mr. GIBSON moved to reconsider the vote by which the Senate joint resolution was agreed to; which motion was rejected.

Ordered, That Mr. SMITH inform the Senate that the House had agreed to the Senate joint resolution.

A message was received from the Senate by Mr. MEREDITH, who informed the House that the Senate had agreed to Senate joint resolution as follows:

Resolved (the House of Delegates concurring,) That Edwin Nelson, of the county of Prince William, be and he is hereby elected in the room and stead of W. W. Thornton, deceased, as a member of the county board of school commissioners for Prince William county, to fill the unexpired term of the said Thornton.

The SPEAKER laid the Senate joint resolution before the House.

The Senate joint resolution was agreed to.

Mr. POWELL moved to reconsider the vote by which the Senate joint resolution was agreed to; which motion was rejected.

No. 189. House engrossed bill to empower the University of Virginia to contract a loan, was, on motion of Mr. MOON, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. MOON moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. MOON carry the bill to the Senate, and request their concurrence.

A message was received from the Senate by their clerk, who informed the House that the Senate had agreed to the following concurrent resolution:

Resolved (the House of Delegates concurring,) That the General Assembly adjourn *sine die* on Monday next, the 1st day of December, at 8 o'clock, P. M.

The SPEAKER laid the joint resolution before the House.

The joint resolution was agreed to.

Mr. GRAVES moved to reconsider the vote by which the joint resolution was agreed to; which motion was rejected.

Ordered, That Mr. GRAVES inform the Senate that the House had agreed to Senate joint resolution.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 199, House bill entitled an act directing the auditor of public accounts to suspend proceedings against the sureties of George S. Cady, late sheriff of Culpeper county, with an amendment.

The SPEAKER laid the bill before the House.

The bill was placed on the calendar, the rule having been suspended, on motion of Mr. SMITH, requiring its reference to a committee.

The amendment of the Senate was agreed to.

Mr. OPIE moved to reconsider the vote by which the amendment of the Senate was agreed to; which motion was rejected.

No. 158. House engrossed bill to authorize the board of supervisors of King William county to borrow money to build a jail, was, on motion of Mr. MOOKLAR, taken up out of its order on the calendar.

On motion of Mr. CARDWELL, the bill was dismissed.

No. 130. House engrossed bill to empower the board of supervisors of Bath county, to repair a part of Warm Springs and Huntersville turnpike road, was on motion of Mr. JONES, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. JONES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 94. Senate bill entitled an act to amend and re-enact section 5, chapter 300, Acts of 1879-80, as amended by an act approved April 18, 1882, in relation to the charter of the Consolidated Southern railway company, was on motion of Mr. BAKER, taken up out of its order on the calendar.

The amendment proposed by the committee on road and internal navigation as follows:

In third line of amended section, strike out the words "the latter"—  
Was agreed to.

The bill was ordered to its third reading.

No. 101. House engrossed bill for the relief of William H. McBride of Goochland, was on motion of Mr. VAUGHAN of *Goochland*, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 54.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bishop, Bolen, Camper, Cardwell, Chapman, Christian, Crockett, Dunlop, Ellis, Thomas J. Evans, Gibson, Gordon, Grattan, Graves, Armistead Green, Harris, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, Marshall, Charles C. Meade, Moffett, Mookler, Moorefield, W. G. Mustard, Nance, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Seay, Smith, Stewart, Tabb, Trigg, John W. Vaughan, R. F. Vaughan, Ward, Wescott, Wilkins, Wheeler, and Whitehead—54.

Mr. VAUGHAN of *Goochland*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. VAUGHAN of *Goochland*, carry the bill to the Senate and request their concurrence.

No. 185. House engrossed bill to amend section 12 of chapter 259 of the Acts of 1883-4, entitled an act to provide for the working of roads and repairing of bridges in the county of Scott, was, on motion of Mr. MEADE of *Scott*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. MEADE of *Scott*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 167. House engrossed bill to repeal an act entitled an act to define the boundary line between Warwick and Elizabeth City near Newport News, was, on motion of Mr. PORTER, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. PORTER moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 154. House engrossed bill to furnish artificial limbs to soldiers who have lost theirs during the late war, was, on motion of Mr. MUSTARD of *Tazewell*, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 58.

The vote required by the constitution, was recorded as follows:

YEAS—Messrs. Speaker, R. J. Anderson, William A. Anderson, Baker, Barton, Bishop, Bolen, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Thomas J. Evans, Gee, Gibson, Gordon, Grattan, Graves, Armistead Green, Harris, Harrison, Hobson, Hubbard, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, Charles C. Meade, David Meade, Mooklar, Moon, Moorefield, W. G. Mustard, Noblin, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Scott, Seay, Smith, Tabb, John W. Vaughan, R. F. Vaughan, Wescott, Wilkins, White, and Whitehead—58.

Mr. MUSTARD of *Tazewell*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. GRAVES carry the bill to the Senate, and request their concurrence.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed House bill No. 154.

No. 89. House engrossed bill to regulate the compensation of the clerks of the county and district school boards of Norfolk county, was, on motion of Mr. TABB, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. TABB moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 162. House engrossed bill to authorize the treasurer to adjust the claim of the commonwealth against the sureties of the Planters and Mechanics bank of Petersburg, was on motion of Mr. ANDERSON of *Rockbridge*, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 57.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Barton, Bishop, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gibson, Gordon, Grattan, Graves, Armistead Green, Harris, Jones, Lawson, Leftwich, Leigh, Loving, Luttrell, McCandlish, Marshall, Charles C. Meade, David Meade, Moffett, Mookler, Moon, Moorefield, Noblin, Overby, Paxton, Peters, Porter, Powell, Pretlow, Ryan, Saunders, Scott, Seay, Smith, Stribling, Tabb, R. F. Vaughan, Ward, Wilkins, and Wheeler—57.

Mr. ANDERSON of *Rockbridge*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. ANDERSON of *Rockbridge*, carry the bill to the Senate and request their concurrence.

No. 152. House bill to amend and re-enact section 78 of an act entitled an act prescribing general provisions in relation to commissioners of the revenue and the assessment of taxes on persons, property, income, licenses, &c., approved March 16, 1875, as amended by an act approved March 27, 1876, the acts approved April 2, 1877, and the act approved April 21, 1882, was on motion of Mr. ECHOLS, taken up out of its order on the calendar.

The bill was read a second time and ordered to be engrossed.

No. 162. Senate bill entitled an act to provide for the rebinding and indexing of certain books of record in the land office, was on motion of Mr. EVANS of *Richmond city*, taken up out of its order on the calendar.

The bill was read a third time and passed—yeas 62.

The vote required by the constitution, was recorded as follows:

**YEAS**—Messrs. Speaker, R. J. Anderson, William A. Anderson, Bailey, Baker, Barton, Bishop, Bolen, Burks, Camper, Cardwell, Chapman, Christian, Crockett, Darst, Dunlop, Echols, Ellis, Thomas J. Evans, Gee, Gibson, Gordon, Graves, Armistead Green, Harris, Harrison, Hobson, Hubard, Jones, Keen, Lawson, Leftwich, Leigh, Loving, Luttrell, Marshall, Charles C. Meade, David Meade, Moffett, Moon, Moorefield, Munford, W. G. Mustard, Noblin, Overby, Paxton, Peters, Porter, Powell, Pretlow, Richardson, Ryan, Saunders, Seay, Smith, Tabb, Ward, Wescott, Wilkins, Wheeler, White, and Whitehead—62.

Mr. EVANS of *Richmond city*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 119. Senate bill entitled an act to incorporate the Byrd cemetery company, in Goochland county, was, on motion of Mr. VAUGHAN of *Goochland*, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. VAUGHAN of *Goochland*, moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 165. House engrossed bill for the better protection of the stockholders and depositors of the banks of the commonwealth, was, on motion of Mr. GRATTAN, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. GRATTAN moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. GRATTAN carry the bill to the Senate, and request their concurrence.

No. 191. House engrossed bill to amend and re-enact an act approved March 17, 1884, entitled an act for the relief of the sureties of Charles W. Walker, late treasurer of Giles county, Virginia, was, on motion of Mr. CHAPMAN, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. DARST moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. DARST carry the bill to the Senate, and request their concurrence.

No. 178. House joint resolution to recover loss to the sinking fund, was, on motion of Mr. BOLEN, taken up out of its order on the calendar.

The joint resolution was read a second time and ordered to be engrossed.

No. 179. House engrossed bill for the protection of fish in New river, was on motion of Mr. CROCKETT, taken up out of its order on the calendar.

The bill was read a third time and passed.

On motion of Mr. CROCKETT, the title was amended by adding the words "or its tributaries."

Mr. CROCKETT moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. DARST carry the bill to the Senate and request their concurrence.

No. 166. Senate bill entitled an act to amend and re-enact chapter 340, sections 1, 2, 3, 4, 5, 6, and 7, Session Acts 1883-4, in relation to the Virginia normal and collegiate institute, was on motion of Mr. HARRIS, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. HARRIS moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 175. Senate bill entitled an act to authorize the board of supervisors of Bedford county to supplement the compensation of the treasurer of said county for the year 1884, was on motion of Mr. GRAVES, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 106. House engrossed bill to incorporate the Exchange bank of Floyd county, was on motion of Mr. BISHOP, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. BISHOP moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. BOLEN carry the bill to the Senate and request their concurrence.

On motion of Mr. RYAN, the House adjourned.

MONDAY, DECEMBER 1, 1884.

On motion of Mr. RYAN, the reading of the Journal was dispensed with.

A communication from the Senate by their clerk, was read as follows:

*In Senate, November 29, 1884.*

The Senate have passed House bills entitled an act to incorporate the town of Clifton Forge in the county of Alleghany, No. 203; an act to amend and re-enact an act approved March 17, 1884, entitled an act for the relief of the sureties of Charles W. Walker, late treasurer of Giles county, Virginia, No. 191; an act to incorporate the Exchange bank of Floyd county, No. 106; an act to authorize the treasurer to adjust the claim of the commonwealth against the sureties of the Planters and Mechanics bank of Petersburg, No. 162; an act for the relief of the sureties of Peyton R. Ford, late collector of Madison township of Charlotte county, Virginia, No. 161; an act for the relief of Charles H. Hart, late treasurer of Isle of Wight county, No. 182; an act for the protection of fish in New river or its tributaries, No. 179; and an act for the relief of William H. McBride, of Goochland, No. 101.

And they have passed with amendments, House bill entitled an act to amend and re-enact section 106 of an act entitled an act to provide for the assessment of taxes on persons, property, and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, No. 78; in which amendments they respectfully request the concurrence of the House of Delegates.

No. 78. House bill, was placed on the calendar, the rule having been suspended, on motion of Mr. HAZLEWOOD, requiring its reference to a committee.

On motion of Mr. ELLIS,

Resolved, That the chair be vacated at 11:30 o'clock, and resumed at 7:30 P. M.

Mr. ANDERSON of *Rockbridge*, from the committee on finance, presented the following report:

In response to a resolution adopted by the House, your committee have the honor to report that they have examined the officers of several of the banks which are depositories of state funds, and have ascertained that the following loans have been made by the banks hereinafter named to officers of the commonwealth:

1. The Planters National bank of Richmond has made loans to William E. Cameron, governor of the commonwealth, as follows: \$1,000 due September

17-20, 1884; \$1,000 due November 12-15, 1884, and a third loan of \$3,000—making \$5,000 in all.

The first loan of \$1,000 is partially secured by a deposit of \$1,750, first mortgage bonds of the Southern telegraph company, of uncertain value, but estimated to be worth probably \$875. The second loan of \$1,000 is evidenced by a note endorsed by F. S. Blair, the attorney-general. The \$3,000 loan is partially secured by \$2,000, first mortgage bonds of the Southern telegraph company, and 30 shares of Washington improvement company stock, estimated to be worth together probably \$2,500.

2. The Merchants National bank of Richmond made a loan of \$3,500, evidenced by note on which Judge Miller, of Marion, Virginia, is endorser, falling due in November, 1884. This loan is secured by a judgment assigned to the bank as collateral, as to the value of which the committee were not informed.

The committee examined the officers of other banks, which are state depositories, but did not ascertain that any loan other than the loans made by the Planters and Mechanics bank of Petersburg, mentioned in the report heretofore made by the committee, and the loans mentioned in this report, had been made to any officer of the state by the banks referred to in the resolution.

The testimony taken before the committee is herewith submitted.

WILLIAM A. ANDERSON, *Acting Chairman.*

Messrs. GRAVES and BAKER were designated by the SPEAKER to act on the committee on House expenses in the absence of Messrs. GRIFFIN and GOSE.

The morning hour having expired, the House proceeded to business on the calendar.

No. 96. Senate bill to incorporate the association of Sons and Daughters of honor and liberty, of Lunenburg county, Virginia, was, on motion of Mr. GRAVES, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. GRAVES moved to reconsider the vote by which the bill was passed; which motion was rejected.

No. 113. House engrossed bill to amend and re-enact section one of an act entitled an act in regard to repeal of fence law in the county of Brunswick, approved March 10, 1884, was, on motion of Mr. POLLARD, taken up out of its order on the calendar.

The bill was read a third time and passed.

Mr. POLLARD moved to reconsider the vote by which the bill was passed; which motion was rejected.

Ordered, That Mr. DUNLOP carry the bill to the Senate, and request their concurrence.

No. 78. House engrossed bill to amend and re-enact section 106 of an act entitled an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business, approved March 15, 1884, was, on motion of Mr. RYAN, taken up out of its order on the calendar.

The amendments of the Senate were agreed to.

Motions severally made by Mr. RYAN to reconsider the votes by which the amendments of the Senate were agreed to, were rejected.

A message was received from the Senate by their clerk, who informed the House that the Senate had passed No. 130, House bill to empower the board of supervisors of Bath county to repair a part of the Warm springs and Huntersville turnpike road.

The hour of 11:30 o'clock having arrived, the chair was vacated until 7:30 P. M.

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### EVENING SESSION.

The chair was resumed at 7:30 o'clock P. M.

A communication from the Senate by their clerk, was read as follows:

*In Senate, December 1, 1884.*

The Senate has indefinitely postponed House bill entitled an act to repeal an act entitled act to define the boundary line between Warwick and Elizabeth City near Newport News, No. 167.

A message was received from the governor returning with his objections No. 162, House bill entitled an act to authorize the treasurer to adjust the claim of the commonwealth against the sureties of the Planters and Mechanics bank of Petersburg, as follows:

#### COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, December 1, 1884.

*To the House of Delegates:*

I return House bill No. 162, without signature. In my judgment the strongest reasons exist for withholding approval of any such measure.

The bill states no reasons why relief should be afforded to persons who deliberately entered into bond and security to guarantee the commonwealth against loss for the deposits of state moneys made from time to time in the Planters and Mechanics bank of Petersburg, Virginia. Nor does the bill set forth any public reasons why a compromise should be permitted to those on whom rests the full obligation of, if not responsibility for any deficiency in payment by the Planters and Mechanics bank of its obligations to the treasury of the commonwealth.

The lateness of the hour, on the day of adjournment of the General Assembly, at which the bill has reached me, would justify a defeat of the measure by a pocket veto; for time does not remain to digest and elaborate the facts which compel me to disapprove your action. At all events, I consider it my duty to state some of those facts, as I understand them, and give you the chance to review them, rather than use my constitutional right without explanation.

Of the sureties for the bank referred to under House bill No. 162, at least five (including the president and vice-president of the institution,) were directors in the same. These persons occupied, then, the double relation of sureties to the state for the public deposit, and of guarantors that the business of the bank should be properly and honestly conducted. No doubt existed at the time of the several deposits, on my mind, nor on that of any well informed

business man in the state, that the property of the signers of the bond was more than ample to cover the deposit.

It will not do, now, for the sureties who filled as well the relation of directors, to ask immunity on the plea that the funds of the bank have been improperly used; for, if so, who can be responsible but the president, vice-president, and other members of the board of directors? And when the functions of bondsmen and directors unite in the same persons, it does seem to me the case is not one in which the commonwealth should propose a compromise.

The allegation is made that these persons, (who can be proved to have been solvent for the amounts of qualification at the time the bond was given), have sold, transferred, or otherwise concealed the assets on which they were considered to be sufficient as sureties. So much the worse for them, if so. That charge, if established, would commit them not of neglect alone, not of criminal carelessness only, but of an attempt to avoid a responsibility voluntarily assumed, exigent morally, and, in my judgment, legally binding.

The effect of the proposed bill (if it has any effect) will not be that which some advocates of it have said. On the contrary, it will be to furnish all depositors, including the state, and to leave the immunity of ill-doing to those whose failure in promise and performance has caused the need of loss to any one.

And if the policy proposed in House bill number 162, is to be followed hereafter, or sustained now, such policy will be open notice to every surety for a bank of deposit that the state's money can be taken without recourse to the commonwealth.

WILLIAM E. CAMERON.

A message was received from the Senate by Mr. GAINES, who informed the House that the Senate had agreed to Senate concurrent resolution, as follows:

Whereas it appears to members of this body that under a misconstruction on the part of the auditor of public accounts, of an act approved February 25, 1884, entitled an act to give aid to the citizens of Virginia, wounded and maimed during the late war while serving as soldiers or marines, many persons have received commutation who were not entitled to the same, their wounds being of a nature not contemplated by the act above mentioned; therefore,

Be it resolved (the House of Delegates concurring), That a committee of two on the part of the Senate, and three on the part of the House, be and are hereby appointed, whose duty it shall be to truly define the meaning and intent of the act mentioned.

The Senate joint resolution was referred to the committee on finance.

The committee on enrolled bills report that the governor has approved the following:

An act for the relief of Hugh M. Patton, late deputy treasurer of Culpeper county.

Joint resolution authorizing the board of public works to pay for guarding the public warehouse.

An act to prevent the spreading of diseases among domestic animals.

An act for the relief of John W. Irvine of Amherst county.

An act to amend section 2 of chapter 548, Acts of 1883-4, entitled an act to provide for the sale of land delinquent for taxes and county levies.

An act to incorporate the Dunsmore commercial and business college at Staunton, Virginia.

An act to provide for the establishment of the Southwestern lunatic asylum.

An act incorporating the Willis river improvement company for for the purpose of the improvement and navigation of Willis river in Cumberland county, Virginia.

An act to amend an act entitled an act to amend and re-enact section 7 of chapter 166 of Code of 1873, in relation to service of process against or notice to a corporation.

An act to amend section 6 of an act approved March 4, 1884, entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them from the waters of the commonwealth, as amended by an act approved August —, 1884.

An act to amend an act approved March 17, 1884, requiring railroad companies to construct cattle guards.

An act for the relief of the Shenandoah valley and other agricultural societies.

An act to amend section 11 of chapter 7 of the Code of 1873, in regard to registration of voters.

An act to amend and re-enact an act approved August 27, 1884, entitled an act to declare the true intent and meaning of, and to amend and re-enact section 5 of chapter 84 of Acts of 1881-2, approved February 14, 1882.

An act to authorize the board of supervisors of Fairfax county to borrow money and issue bonds.

An act for the relief of certain securities of Stephen H. Turner, late treasurer of Amherst, on his official bonds, dated 29th June, 1883.

An act to authorize the Seaboard and Roanoke railroad company to invest in and operate railroads and transportation lines chartered by the laws of other states.

An act to amend and re-enact sections 5 and 6 of an act in force February 20, 1884, creating the county board of school commissioners, &c.

An act to amend and re-enact section 34, chapter 118, Code of 1873, limiting the time for contesting wills to two years.

An act to pay to Waller R. Staples and John W. Daniel for professional services rendered the state in the litigation involving the validity of the congressional apportionment act.

An act to authorize the Richmond and Danville railroad company to invest in and operate railroads and transportation lines in other states.

An act for the relief of J. H. Blair, late treasurer of Wise county and his sureties.

Joint resolution to elect county school commissioners to fill vacancies which have occurred in the county school trustee electoral boards of their several counties.

An act to authorize the Richmond and Danville railroad company to increase the number of its directors.

An act to provide for a new registration of the voters in certain precincts in the county of Surry.

An act to authorize the county court of Rappahannock to order an election in Wakefield district in said county, to ascertain the sense of the qualified voters of said district upon the subscription to Fauquier and Rappahannock railroad.

An act to incorporate the Farmers bank of Hicksford.

An act to provide for a new census of the school population of the city of Roanoke.

An act fixing the times for holding the circuit courts in the fifteenth judicial circuit.

An act to authorize the Shenandoah Valley agricultural society to borrow money and to secure the same by its bonds and deed of trust.

An act to amend and re-enact section 1 of an act approved February 25, 1884, entitled an act to allow mileage to jurors.

An act to appropriate money to complete the new asylum building near Petersburg, known as the Central Lunatic Asylum.

An act to extend the time for imposing the penalty of 5 per centum for non-payment of taxes for the second assessor's district of Norfolk.

An act authorizing the governor to loan to the Fishburn military school at Waynesboro', arms.

An act to provide for removing obstructions in Little Roanoke creek in Charlotte county, Virginia.

An act to provide for the assessment of real estate in this state in the year 1885, and every fifth year thereafter.

An act for the relief of the heirs of Martha C. Ball.

An act to provide compensation to the clerks of county and corporation courts for making records of delinquent lands and receiving payment of taxes on same.

An act to amend and re-enact an act approved March 6, 1882, in reference to the fence law of Dinwiddie and Norfolk counties.

An act to provide the times for holding the courts in the ninth judicial circuit.

An act in relation to fences in Berkley district in the county of Spotsylvania.

An act to provide for working the roads in the county of Goochland.

An act for the relief the sureties of J. L. F. Campbell.

An act for the relief of the sureties of John F. Jones, late treasurer of Craig county.

An act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act to secure to tax-payers in cities and towns the rights of public school education for their children.

An act for the protection of fish in Back bay in Princess Anne county, Virginia.

An act to amend an act entitled an act to incorporate the Grand Lodge of the Sons of Zion benevolent society of Virginia.

An act to allow further time for the treasurer of Henrico county, to make returns of delinquent taxes.

An act to incorporate the Virginia conference seminary of the city of Roanoke.

An act to amend section 15, chapter 20 of the Code of 1873, in regard to the doorkeeper to the executive, messenger to the governor, and secretary of the commonwealth.

An act to authorize James D. Campbell and others, the trustees in whom is vested the legal title to the tract of land in Louisa county, held by them as a manse for the use of the Providence church, to sell and convey the said manse.

An act to regulate the licensing of teachers in public free schools.

An act granting relief to V. G. Dunnington, treasurer of Lynchburg, from certain judgments for costs under coupon proceedings against him.

An act to amend and re-enact section 1 of an act entitled an act for making and repairing division fences between coterminous land owners in the county of Alleghany, Bath, Botetourt, Highland, Rockbridge, Loudoun, and Frederick.

An act for establishing and working the roads in Patrick county.

An act to confer additional powers upon the city council of Lynchburg.

An act to amend and re-enact section 38, chapter 128 of the Code 1873, limiting the time to one year for creditors to show cause against distribution of estates.

An act to amend and re-enact section 48 of the charter of the city of Roanoke.

An act to empower the board of supervisors of Bath county, to repair a part of the Warm Springs and Huntersville turnpike road.

An act to incorporate the association of Sons and Daughters of Honor and Liberty of Lunenburg county, Virginia.

An act to provide for a register of all the property of the state, and the public institutions of the state, real and personal, including choses in action, &c.

An act requiring the superintendent of schools in the county of Hanover to pay over to the trustees of Hall's free school, in said county, in each and every year, from the moneys belonging to the school fund of Beaver dam district, in said county, a sum equal to that appropriated to any other school with the like number of scholars in said district.

An act for the relief of the sureties of J. H. Blair, late treasurer of Wise county.

An act for the relief of C. M. Adkinson, of Halifax county.

An act to provide for a new registration of the voters of the city of Richmond.

An act for the relief of C. W. Hill, late judge of the hustings court of the city of Portsmouth.

An act to require banks incorporated within the commonwealth of Virginia to make stated reports to the auditor of public accounts.

An act to incorporate the Bowling Green tobacco association.

An act authorizing the board of visitors of the Virginia military institute to sell and convey certain lots of land not needed for the purposes of said institution.

An act to incorporate the town of Clifton Forge, in the county of Alleghany.

An act to provide for the rebinding and indexing of certain books of record in the land office.

An act to amend and re-enact section 106 of an act entitled an act to provide for the assessment of taxes on persons, property and incomes, and imposing taxes thereon for the support of the government and public free schools, and to pay the interest on the public debt, and to provide for the mode of applying for licenses to transact any business in this state, and prescribing the amount to be paid as a condition precedent to the right to transact such business.

An act for the relief of the sureties of Peyton R. Ford, late collector of Madison township of Charlotte county, Virginia.

An act for the relief of Charles H. Hart, late treasurer of Isle of Wight county.

An act for the protection of fish in New river or its tributaries.

An act for the relief of Lemuel W. Haynes.

An act to authorize the board of supervisors of the county of Bedford to supplement the compensation of the treasurer of said county for the year 1884.

An act to amend and re-enact chapter 340, sections 1, 2, 3, 4, 5, 6, and 7, Session Acts 1883-4, in relation to Virginia normal and collegiate institute.

An act to incorporate the Byrd cemetery company in Goochland county.

An act for the relief of William H. McBride, of Goochland.

An act to furnish artificial limbs to soldiers who have lost theirs during the late war.

An act directing the auditor of public accounts to suspend proceedings against the sureties of George S. Cady, late sheriff of Culpeper county.

An act to amend and re-enact an act approved March 17, 1884, entitled an act for the relief of the sureties of Charles W. Walker, late treasurer of Giles county, Virginia.

An act to incorporate the Exchange bank of Floyd county.

The following acts returned by the governor without his signature, did not become laws:

An act to provide compensation for the Senate when sitting as a court of impeachment during the recess of the General Assembly, and the expenses incident thereto.

An act to repeal an act entitled an act authorizing a review by

the county court of the decisions of justices of the peace in cases of misdemeanor, approved March 31, 1875.

An act to authorize the Rockbridge artillery company and the Danville Greys of the city of Danville, to adopt a uniform for its members.

An act to prohibit the board of supervisors of each of the counties bordering on the bays, rivers, and creeks in which oysters are planted, from imposing a levy on such oysters for county purposes, to remove the restrictions against catching oysters with tongs in certain waters of the Chesapeake, and to prevent a double tax on oysters transported to market on steam vessels.

An act authorizing the commissioners of the sinking fund to employ counsel in certain cases.

On motion of Mr. GRAVES,

Resolved, That the thanks of this House are hereby tendered to the Speaker for the efficient and impartial manner in which he has discharged the responsible duties of the chair.

On motion of Mr. RYAN,

Resolved, That the thanks of this House are tendered to the clerk of the House of Delegates and his assistants, and to the sergeant-at-arms and his assistants, for the efficient and courteous manner in which they have discharged their respective duties.

A message was received from the Senate by Mr. GAINES, who informed the House that the Senate had agreed to a joint resolution as follows:

Resolved (the House of Delegates concurring), That a committee of two on the part of the Senate, and three on the part of the House of Delegates, be appointed to wait on the governor and inform him that the General Assembly is now ready to adjourn.

The Senate concurrent resolution was agreed to.

Ordered, That Mr. EVANS of *Richmond city*, inform the Senate.

The SPEAKER appointed Messrs. PRETLOW, BANKS, and ECHOLS, the committee on the part of the House.

The committee reported that they had waited on the governor and he had no communication to make to the General Assembly.

Ordered, That Mr. EVANS of *Richmond city*, inform the Senate that the House is ready on its part to adjourn *sine die*.

A message was received from the Senate by Mr. WARWICK, who informed the House that the Senate was ready on its part to adjourn.

The hour having arrived for the adjournment of the General Assembly, the SPEAKER addressed the House and announced that it stood adjourned *sine die*.



# MEMBERS OF THE HOUSE OF DELEGATES

WHO SERVED DURING THE

*Extra Session Commencing August 13, 1884, and Terminating December 1, 1884.*

CHARLES E. STUART, SPEAKER, Alexandria City.

MEMBERS.	COUNTIES.	MEMBERS.	COUNTIES.
Anderson, R. I.....	Pittsylvania & Danville.	Loving, Sr., Henry.....	Amherst.
Anderson, William A...	Rockbridge.	Luttrell, J. D.....	Northumberland and Westmoreland.
Bailey, Chancellor.....	Spotsylvania and Frederickburg.	McCandlish, Jr., Rob't	Petersburg.
Baker, W. W.....	Chesterfield, Manchester, and Powhatan.	McLin, John B.....	Lee.
Banks, R. G.....	Norfolk city.	Marshall, James W.....	Craig and Roanoke.
Barton, Robert T.....	Frederick & Winchester.	Mauck, R. G.....	Page.
Bishop, Burdine.....	Floyd.	Mays, Abram F.....	Patrick.
Bolen, D. W.....	Carroll.	Meade, Charles C.....	Scott.
Brockwell, J. T.....	Nansemond.	Meade, David.....	Clarke and Warren.
Burks, William P.....	Bedford.	Moffett, William W.....	Happahannock.
Camper, M. W.....	Botetourt.	Mooklar, A. T.....	King William.
Cardwell, R. H.....	Hanover.	Moorefield, C. E.....	Halifax.
Chapman, Thomas A.....	Madison.	Moon, John B.....	Albemarle.
Christian, Joseph.....	Richmond city.	Munford, B. B.....	Pittsylvania & Danville.
Crockett, Thompson S.....	Wythe.	Mustard, S. P.....	Smyth and Bland.
Curtis, John A.....	Richmond city.	Mustard, W. G.....	Tazewell.
Darst, James H.....	Pulaski.	Nance, L. M.....	New Kent and Charles City.
Dodson, Amos A.....	Mecklenburg.	Noblin, R. R.....	Halifax.
Dunn, Thomas N.....	Albemarle.	Opie, John N.....	Augusta and Staunton.
Dunlop, James N.....	Richmond city.	Overby, John H.....	Charlottesville.
Echols, Edward.....	Augusta and Staunton.	Parker, Henry.....	Norfolk city.
Ellis, William M.....	Montgomery.	Paxton, Matthew W.....	Rockbridge.
Evans, A. Browne.....	Middlesex.	Peters, Herbert G.....	Henry.
Evans, Thomas J.....	Richmond city.	Pollard, Henry R.....	King & Queen.
Fitzpatrick, Thos. P.....	Nelson.	Porter, John W. H.....	Portsmouth.
Garnett, A. C.....	Buckingham.	Powell, John S.....	Prince William.
Gee, Charles.....	Prince George & Surry.	Pretlow, J. D.....	Southampton.
Gibson, J. C.....	Culpeper.	Richardson, John.....	Louisa.
Gordon, Reuben L.....	Orange.	Robertson, D. Mott.....	Appomattox.
Gose, George C.....	Russell.	Rosier, John H.....	Essex.
Grandstaff, George J.....	Shenandoah.	Ross, Joshua F.....	Gloucester.
Grattan, George G.....	Rockingham.	Ryan, J. F.....	Loudoun.
Graves, William F.....	Bedford.	Saunders, Peter.....	Franklin.
Green Duff.....	Stafford & King George.	Scott, Archer.....	Nottoway.
Green, Armistead.....	Petersburg.	Seay, Samuel J.....	Fluvanna.
Griffin, Robert G.....	Warwick, James City, York & Williamsburg.	Smith, Thomas.....	Loudoun and Fauquier.
Griggs, N. M.....	Prince Edward.	Soule, John F.....	Rockingham.
Harris, A. W.....	Dinwiddie.	Stuart, Charles E.....	Alexandria city & county.
Harrison, Samuel G.....	Sussex.	Stewart, L. R.....	Lancaster and Richmond county.
Hazlewood, M. W.....	Henrico.	Stribling, Robert M.....	Fauquier.
Hobson, Joseph.....	Chesterfield, Manchester, and Powhatan.	Tabb, Robert B.....	Norfolk county.
Hubard, E. W.....	Cumberland and Buckingham.	Trigg, Daniel.....	Washington.
Jones, Charles P.....	Alleghany, Bath, and Highland.	Vaughan, John W.....	Grayson.
Keen, T. W.....	Pittsylvania & Danville.	Vaughan, R. F.....	Goochland.
Kelly, Jonas S.....	Washington.	Ward, Robert H.....	Campbell & Lynchburg.
Kilgore, George W.....	Buchanan and Wise.	Wescott, Teackle T.....	Accomac.
Lawson, John W.....	Isle of Wight.	Wilkins, Jr., John T.....	Northampton & Accomac.
Leftwich, Joel B.....	Campbell & Lynchburg.	Winn, W. C.....	Lunenburg.
Leigh, Alfred.....	Fairfax.	Wheeler, M. C.....	Brunswick.
		White, Smith J. R.....	Caroline.
		Whitehead, John E.....	Princess Anne.



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COMMUNICATION

FROM THE

TREASURER OF VIRGINIA,

IN RESPONSE TO

RESOLUTION OF THE HOUSE OF DELEGATES IN REGARD TO STATE DEPOSITS.

---

To the Hon. CHARLES E. STUART;  
*Speaker House Delegates :*

I beg leave to submit the following in answer to the resolution of your honorable body :

“ Resolved, That the treasurer of the Commonwealth of Virginia be instructed to report at once to the General Assembly of Virginia what funds of this state are now deposited in the banks of the state, the amounts deposited in the several banks, when deposited, by what officer of the state so deposited and under what authority of law, and what security the state has for each one of said deposits. And especially whether any money of the state was deposited in the Planters' and Mechanics' bank of Petersburg, and if so, whether the money so deposited is now available to the state, and if not, why not ?”

The amount of funds on hands at this date, the banks in which they are deposited, the security given by each bank, and date when each of these banks made depositories of the funds of the commonwealth by the governor, are tabulated on pages 8 to 7 inclusive. An act passed 29th March, 1871, gives the governor exclusive right to name the depositories, but the treasurer makes the deposits in any of these banks on the warrants of the auditor to pay in.

On page 8, I submit a statement in full of all transactions of the commonwealth with the Planters' and Mechanics' bank of Petersburg, which failed on the 19th May, 1884, showing an indebtedness to the commonwealth to the amount of \$185,-878 84, with interest from first of May.

As soon as payment was refused, I requested Mr. F. S. Blair to bring suit for the commonwealth, and I employed Messrs. Stringfellow and Pegram to assist him, and to look to the legislature for their pay, to which they agreed. For any information as to the amount the state will probable recover I refer you to them.

All of which is respectfully submitted,

I. R. BARKSDALE,  
*Treasurer of Virginia.*

*August 16th, 1884.*

# REPORT.

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**FOLLOWING IS A LIST OF THE STATE DEPOSITORIES, SHOWING THE AMOUNT OF BOND GIVEN BY EACH DEPOSITORY, WITH THE NAMES OF SURETIES ON EACH OF SAID BONDS:**

**PLANTERS NATIONAL BANK, OF RICHMOND, VIRGINIA.**

Amount of bond..... \$800,000 00

With the following sureties :

James B. Pace.....	600,000 00
Allen Talbott.....	100,000 00
Charles H. Talbott.....	100,000 00
James N. Boyd.....	100,000 00
John R. Pace.....	100,000 00
	<hr/>
	\$1,000,000 00

Date of bond, 29th August, 1888.

There is on deposit in this bank to the credit of the Commonwealth on the 16th day of August, 1884, \$561,882 06.

---

**FIRST NATIONAL BANK OF RICHMOND, VIRGINIA.**

Amount of bond.....\$500,000 00

With the following sureties :

Franklin Stearns,  
L. Davenport, Jr.

Date of bond, 25th January, 1888.

There is on deposit in this bank to the credit of the Commonwealth on the 16th day of August, 1884, \$189,011 60.

**MERCHANTS NATIONAL BANK, OF RICHMOND, VIRGINIA.**

Amount of bond.....\$300,000 00

With the following sureties:

John P. Branch,  
 Fred. R. Scott,  
 A. S. Buford,  
 George A. Cunningham.

Date of bond, 15th September, 1882.

There is deposited in this bank to the credit of the commonwealth on the 16th day of August, 1884, \$175,235 21.

**LYNCHBURG NATIONAL BANK, OF LYNCHBURG, VIRGINIA.**

Amount of bond..... \$100,000 00

With the following sureties:

David E. Spence,  
 John W. Carroll,  
 S. M. McCorkle,  
 M. Moore,  
 George W. Palmer,  
 R. W. C. Radford,  
 R. T. Watts,  
 Clinton DeWitt,  
 R. H. T. Adams,  
 A. G. Hancock.

Date of bond, 10th August, 1883.

There is on deposit in this bank to the credit of the commonwealth on the 16th August, 1884, \$30,970 66.

**EXCHANGE NATIONAL BANK OF NORFOLK, VIRGINIA.**

Amount of bond..... \$300,000 00

With the following sureties:

James B. Whitehead,  
 George M. Bain, Jr.,

Robert T. K. Bain,  
J. G. Bain,  
O. Windsor,  
O. E. Jenkins.

Date of bond, 22d December, 1882.

There is on deposit in this bank to the credit of the commonwealth on the 16th day of August, 1884, \$40,098 00.

---

**FIRST NATIONAL BANK OF LYNCHBURG, VIRGINIA.**

Amount of bond..... \$250,000 00

With the following sureties :

J. F. Slaughter,  
J. M. Booker,  
Charles W. Statham,  
F. M. Dunnington,  
R. G. H. Kean,  
James W. Watts,  
J. H. Lewis,  
N. R. Bowman,  
Thomas D. Davis.

Date of bond, 28d March, 1883.

There is on deposit in this bank to the credit of the commonwealth on the 16th August, 1884, \$75,528 08.

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**BANK OF PETERSBURG, OF PETERSBURG, VIRGINIA.**

Amount of bond..... \$75,000 00

With the following sureties :

R. H. Jones, Jr.  
Joseph Carr.  
Alexander Wilson.  
T. S. Beckwith.

Date of bond, 26th December, 1882.

There is on deposit in this bank to the credit of the commonwealth on 16th August, 1884, \$25,808 74.

### THE PEOPLES NATIONAL BANK OF LYNCHBURG, VIRGINIA.

Amount of bond..... \$100,000 00

With the following sureties:

Charles M. Blackford for.....	25,000 00
C. V. Winfree.....	100,000 00
John Otey Taylor.....	25,000 00
William W. Tyler.....	10,000 00
Jacob H. Franklin.....	20,000 00
James T. Williams.....	50,000 00
T. N. Davis.....	5,000 00
John H. Flood.....	25,000 00
B. W. Crenshaw.....	100,000 00
James A. Ford.....	50,000 00
John D. Langhorne.....	75,000 00
	<hr/>
	\$485,000 00

Date of bond, 2d February, 1884.

There is on deposit in this bank to the credit of the commonwealth on the 16th day of August, 1884, \$85,353 45.

### PEOPLES NATIONAL BANK OF CHARLOTTESVILLE, VIRGINIA.

Amount of bond..... \$100,000 00

With the following sureties:

C. H. Harman.  
 W. W. Flannagan.  
 Oscar Relerson.  
 S. A. Birch.  
 F. I. Flannagan.  
 T. M. Farish.  
 W. G. Farish.  
 J. W. Porter.  
 William Hotopp.  
 Benjamin R. Pace.

Date of bond 12th February, 1884.

There is on deposit in this bank to the credit of the commonwealth on the 16th August, 1884, \$9,199 17.

**PLANTERS AND MECHANICS BANK OF PETERSBURG, VIRGINIA.**

Amount of bond..... \$150,000 00

With the following sureties :

J. T. Young,  
J. C. Drake,  
H. B. Parker,  
B. A. Davis,  
G. E. Perkinson,  
Edward Whyte,  
G. B. Eanes.

Date of bond, 28th December, 1882.

There is on deposit in this bank to the credit of the commonwealth on the 16th August, 1884, \$185,878 84.

**TREASURY OFFICE OF VIRGINIA,**

August 16, 1884.

Merchants National Bank, Richmond.....	\$175,285 21
First National Bank, Richmond.....	189,011 50
Planters National Bank, Richmond.....	561,332 08
Lynchburg National Bank.....	30,970 68
Exchange National Bank, Norfolk.....	40,098 00
First National Bank, Lynchburg.....	75,528 08
Bank of Petersburg.....	25,808 74
People's National Bank, Lynchburg.....	35,858 45
People's National Bank, Charlottesville.....	9,199 17
Planters and Mechanics Bank, Petersburg.....	185,878 84
	<u>\$1,227,905 21</u>

Commonwealth's Account.....	\$921,894 59
Literary Fund.....	202,282 29
Interest on Public Debt.....	712 81
Sinking Fund.....	545 47
Miller Fund.....	102,470 05
	<u>\$1,227,905 21</u>

## THE PLANTERS AND MECHANICS BANK OF PETERSBURG,

*In account with THE COMMONWEALTH OF VIRGINIA.*

		Dr.	Cr.
1882.			
Sept. 20.	To deposit.....	\$100,000 00	
Dec. 1.	" interest for Sept., Oct. and Nov., 1882.....	588 88	
" 2.	" deposit.....	50,000 00	
1883.			
Jan. 8.	" interest for December, 1882.....	482 56	
Feb. 7.	" interest for January, 1883.....	890 12	
March 5.	" interest for February, 1883.....	898 26	
April 7.	" interest for March, 1883.....	486 75	
May 7.	" interest for April, 1883.....	424 12	
June 2.	" interest for May, 1883.....	219 86	
July 8.	" interest for June, 1883.....	218 18	
Aug. 7.	" interest for July, 1883.....	220 60	
Sept. 7.	" interest for August, 1883.....	220 98	
Oct. 5.	" interest for September, 1883.....	214 22	
Nov. 18.	" interest for October, 1883.....	221 78	
Dec. 5.	" interest for November, 1883.....	214 96	
1884.			
Jan. 10.	" interest for December, 1883.....	222 48	
Feb. 18.	" interest for January, 1884.....	222 87	
April 1.	By checks.....		20,000 00
April 5.	" checks.....		25,000 00
April 8.	To deposit.....	25,000 00	
April 14.	" interest for February and March, 1884.....	516 51	
May 6.	" interest for April, 1884.....	225 87	
		<u>\$180,878 84</u>	<u>\$45,000 00</u>
		45,000 00	
	Balance due commonwealth May 1st, 1884,		
	with interest.....	<u>\$185,878 84</u>	

COMMUNICATION  
FROM THE  
SECOND AUDITOR OF VIRGINIA,  
TRANSMITTING  
CERTAIN INFORMATION RELATIVE TO BLACK SCRIP.

---

COMMONWEALTH OF VIRGINIA,  
SECOND AUDITOR'S OFFICE,

RICHMOND, August 18, 1884.

To the Hon. CHARLES E. STUART,

*Speaker of the House of Delegates:*

SIR:

By direction of the board of commissioners of the sinking fund, I have the honor to enclose their response to the following resolution of August 15, 1884, of the House of Delegates:

*"Resolved, That the board of sinking fund be requested to furnish forthwith to this House, whether they have funded any interest known as 'black scrip,' and if so, how much, and by what authority, and by whom the same was funded?"*

There has been funded by this board, \$240,971 46 of what is known in the market as "black scrip," by authority of the act of 14th February, 1882, Acts of Assembly, 1881-82, chapter 84, page 96, section 5, clauses (d) and (f); (d) refers to Virginia interest certificates, issued for balance unpaid in paying interest on funded bonds, and fundable at 80 per centum; (f) refers to certificate for balance unpaid in paying interest in unfunded bonds, and fundable at 63 per centum.

The scrip was given for interest accruing from 1st July, 1871, to and including July 1st, 1874, on the various classes of bonds, and was computed in the said act, as part of the interest due and unpaid, 1st July, 1882.

The scrip was authorized to be issued by the act of March 13th, 1873, section 4, which provides that "It shall be the duty of the second auditor, upon the payment of the interest herein provided for to the creditors of the state, to issue and deliver to such creditors, non-interest bearing certificates for that portion of the interest due and remaining unpaid; and where interest shall be paid, and certificates given for interest due upon coupon bonds, it shall be the duty of the second auditor to take in, cancel, and file away in his office, the interest coupons so paid or redeemed."

The scrip was made payable in some instances to bearer, and in others to individuals, and was funded when presented for the purpose by the party entitled to it.

Very respectfully,

FRANK G. RUFFIN,

*Second Auditor and President Board of Commissioners of the Sinking Fund.*





## COMMUNICATION

FROM THE

# GOVERNOR OF VIRGINIA

TRANSMITTING

### REPORT OF COMMISSIONERS TO SELECT SITE FOR A NEW LUNATIC ASYLUM IN SOUTHWEST VIRGINIA.

---

COMMONWEALTH OF VIRGINIA,

BOARD OF PUBLIC WORKS,

RICHMOND, VA., August 20, 1884.

*To the General Assembly:*

Pursuant to an act approved March 18, 1874, entitled "an act to provide for the establishment of a lunatic asylum in Southwestern Virginia," I am directed by the board of public works to forward you the report of the board of commissioners to select a site for another lunatic asylum, to be known as the Southwestern lunatic asylum, for the accommodation of white lunatics. Included in these papers will be found a survey and plat of the grounds selected and deeds to the property, and it is believed all other information for the procurement of which the commission was formed.

The second section of the act makes it the duty of the board of public works, when the commissioners shall have reported to the governor, "to take the necessary steps to procure from competent architects, plans, designs and specifications for buildings to be erected upon the site selected as aforesaid," but this provision seems to the board to be impossible of execution in the absence of any suggestion by the General Assembly of the amount proposed to be appropriated.

The report of the commissioners is therefore transmitted for the information of the General Assembly, so that such action may be taken as will indicate to the board of public works the sum of money which your body proposes to expend in the construction of said asylum.

Respectfully,

WILLIAM E. CAMERON.

*Governor and President of the Board of Public Works.*

## REPORT.

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BLACKSBURG, VA., AUGUST 1, 1884.

*To his Excellency Governor Wm. E. CAMERON,*  
*and the Honorable BOARD OF PUBLIC WORKS OF VIRGINIA:*

We, Samuel H. Moffett, Ferdinand Rorer, E. W. Nichols, Charles W. Statham and Harvey Black, a majority of the board of commissioners, appointed by an act of the Virginia legislature, approved March 18, 1884, for the purpose of selecting a site for another lunatic asylum to be known as the Southwestern lunatic asylum, met in pursuance of said act at Central depot in the county of Montgomery, June 4, 1884, and organized by the selection of S. H. Moffett as president and E. W. Nichols as secretary. Committees from the counties of Washington, Smyth, Wythe, and Tazewell, and the corporations of Abingdon, Marion and Wytheville, appeared and tendered sites for the proposed asylum on behalf of their respective counties and corporations, and invited the board of commissioners to visit the different points enumerated. We proceeded to examine thoroughly and carefully all the sites submitted for our inspection at the above-named places. An additional site was subsequently tendered by the corporation of Glade Spring and the county of Washington, which was also visited and inspected. We deem it proper to state that the sites offered were all valuable and costly, and that the representatives of the different counties and corporations exhibited a most liberal and commendable spirit in their efforts to furnish for the use of the state, property adapted to the important requirements of the proposed new asylum. The committees of the counties and corporations tendering sites, employed the most skillful and competent engineers and surveyors, who furnished them with full information in their reports with regard to water supply and elevation, surveys and plots of ground, and all information necessary to an intelligent appreciation of the merits of the respective sites. All of these reports were forwarded to the commission prior to its second meeting, July 16, 1884. On August the 1st, we completed a full examination of the different reports, surveys, &c., submitted by the committees, engineers and surveyors. We have selected as the site for the proposed new asylum, the land known as the Atkins-Pendleton land, lying near Marion in Smyth county, and situated between Staleys creek and the Holston river. These lands are offered by the county of Smyth and the corporation of Marion, and contains in all about 207 acres, of which about 160 acres is farming land of very high grade and great value. The residue is wood land including a small tract of 8 acres, on which one of the springs is located. This site is, in our

opinion, a most eligible and desirable one, admirably located one-half mile from the Courthouse and the same distance from the railroad station, and is upon an elevated plateau upon Staleys creek and Holston river, and possesses great and unusual advantages as to drainage and sewerage. This land and the buildings to be erected thereon, can be supplied with an enormous amount of splendid free-stone water from three springs which have been secured for the use of your asylum. Two of these springs are a little over two miles from the proposed asylum site, and have an elevation of from eighty-three to eighty-seven feet above the site; the third spring, distant about one and one-half miles, has an elevation of about fifty-one feet. The supply of water from the three springs will afford, probably, one and one-half millions of gallons per day. The right of use of the two upper and larger springs has been secured, and the smaller and lower spring has been purchased in fee. Owing to the inability of the supervisors of the counties to bind their respective counties by a contract, necessitating the imposition of a heavy tax, the commissioners have required escrows or deeds contingent upon such future and supplemental legislation as will render their action valid. These escrows together with plots, survey notes, report of citizen's committee, of surveyor, &c., &c., are herewith forwarded to your excellency.

Very respectfully,

SAMUEL H. MOFFETT,  
FERDINAND RORER,  
E. W. NICHOLS,  
CHS. W. STATHAM,  
H. BLACK.



REPORT  
OF THE  
SPECIAL JOINT COMMITTEE  
TO EXAMINE  
THE LUNATIC ASYLUMS OF THE STATE.

---

The following joint resolutions were passed by the General Assembly of Virginia, on the 27th August, 1884:

1st. Be it resolved (the Senate concurring), That a committee to be composed of two Senators and three members of the House of Delegates, be appointed, who shall proceed to investigate, ascertain and report as follows:

What money has been appropriated to the various lunatic asylums of the state, for the fiscal year ending September 30, 1884; what money remained to the credit of said several lunatic asylums at the end of the fiscal year for 1883; how much thereof has been drawn from the public treasury, and what portion thereof was drawn prior to April 15, 1884, and what portion since that date; what amount and value of provisions and supplies were on hand at each lunatic asylum on the 15th day of April, 1884; how much money was turned over by the old boards and authorities to the new management that took control of the various asylums on the 15th day of April, 1884; how much debt the said asylums owed at that date, and what debts have been created since; what the average cost per capita has been during the last ten years for each patient; how many are *pay* patients, and what revenue per annum is derived therefrom; how many employees are in the service of each asylum, and what proportion they bear to the number of patients; what has been the expenses of the board of visitors of each asylum for each year for the past ten years, and of what items they consist; and they shall report in detail the exact items of the expenditure of all moneys appropriated or drawn out of the public treasury, for the purposes of said asylums.

2d. The said committee may sit in the vacation of the General Assembly, and shall have power to send for persons and papers.

The following members compose the committee:

Taylor Berry, G. P. Barham, of the Senate; Robert M. Stribling, R. G. Banks, Thomas J. Evans, of the House of Delegates.

## REPORT.

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*To the General Assembly of Virginia:*

By a joint resolution passed by the Senate and the House of Delegates on 27th day of August, 1884, the undersigned were appointed a joint committee to investigate and report upon several inquiries embraced in said joint resolution touching the various lunatic asylums of the state for the fiscal year ending September 30, 1884.

On the 5th September, 1884, we visited the premises of the Western lunatic asylum, at Staunton.

We were engaged on the 5th and 6th of September, 1884, and made a thorough examination of the books, accounts, and vouchers of the asylum, and the buildings and grounds, and saw all the patients in said asylum.

On 8th and 9th of September, 1884, we visited the Eastern lunatic asylum, at Williamsburg, and made the necessary examinations there.

On the 10th and 11th of September, 1884, we visited the Central lunatic asylum near Richmond, and also the new building near Petersburg, to which the patients are soon to be removed, and made full examination in regard to the same.

Since we visited the asylums we have received much information from them in response to written inquiries propounded to the proper officials; and from our personal examinations and inspections, and from statements and information promptly and cheerfully furnished to us by the officers of the institutions, we beg leave to report the following facts and figures:

We have endeavored to answer the inquiries embraced in the joint resolution, and believing that it would be useful, we have instituted several other inquiries, the result of which we herewith submit. We call attention specially to the tabulated statements hereto annexed. During the last session of this body there seemed to be a difference of opinion as to the number of persons in the jails in the state awaiting admission into the lunatic asylums. We have made inquiries on this question, and can report with accuracy that there are in the several jails, 77; 9 are white males; 10 are white females; 30 are colored males; 28 are colored females; total, 77.

The tabular statement herewith returned marked D, shows the several county jails in which such persons are confined awaiting admission into the asylums.

We call your attention to the tabular statement marked C, showing that of the 1,419 persons in the three asylums in the state of Virginia, there are 146 in the Western lunatic asylum from the county of Augusta and the three counties immediately adjacent thereto. In the Central lunatic asylum there are 195

from the city of Richmond and the three counties immediately adjacent thereto. In the Eastern lunatic asylum there are 36 from the city of Williamsburg and the three counties immediately adjacent thereto; thus showing most clearly and conspicuously that the immediate vicinity of each asylum takes largely over and above its proportion the advantage of the provisions made in these asylums, and doubtless many receive these advantages who are not entitled thereto.

In this connection we call attention to the fact as shown by the tabular statement marked D, that in the ninth congressional district, the farthest removed from any lunatic asylum, there are but nine persons in jail awaiting admission into the lunatic asylums.

Your committee call your special attention to the expense of the boards of visitors, steadily increasing and large, especially during the last two years, and we suggest the reduction in the number of visitors, and that they be taken from the vicinity of each asylum.

We recommend that the finances of the asylums be confided to a bonded officer, charged with their exclusive control, and the absolute relief of the medical superintendent from any control or connection therewith, further than to indicate specially the demand for particular articles of diet, medicine and clothing, bedding and lights and fuel, &c.; in which cases the orders of the medical superintendent shall be imperative. Thus, we think, will the office of the medical superintendent, who is supposed to be elected on account of his skill in the management, care, and cure of lunatics, and not for his knowledge or experience in finance or in buildings, be dignified, and he will be left free to devote his time and talents exclusively to the care and cure of the patients under his charge.

That all money appropriated—the fund from pay-patients and all other sources, be placed in the treasury of the commonwealth, to the credit of the several asylums, and only to be drawn out on a warrant on the auditor, payable to the order of the party entitled to the money, and each warrant to state on its face for what the money is paid—there will thus be a stated account open at all times to inspection and easy of comprehension.

That it shall be unlawful to use any part of the annual appropriations for building purposes, other than for necessary repairs to buildings now in use, and that no building shall be undertaken save under the order of the General Assembly.

That all supplies in bulk be advertised for, and let to the lowest bidder, and that the contracts as let, be also published when let; in each case the publication to be in the paper having the largest circulation in the county where the asylum is located.

That some steps be taken to provide at each asylum a better mode of extinguishing fire.

Your committee think it necessary that a water-closet in one building and plank fence at the Western lunatic asylum should be repaired, and recommend the appropriation of \$1,000 for the purpose.

That money be appropriated to complete the "*additional infirmary ward*" at Petersburg; also to build a railroad in basement leading from the extremities

of the building to the elevators; for a gas-house, and permanent water-supply including dam across the run or creek—the appropriation for these objects not to exceed \$12,000.

We recommend that when the new asylum near Petersburg is completed, the patients from the Eastern lunatic asylum be removed to the asylum near Petersburg, and that the patients from the Central lunatic asylum near Richmond be removed to the asylum at Williamsburg, and that the Eastern lunatic asylum be thenceforth exclusively used for the care of colored lunatics.

Respectfully submitted,

TAYLOR BERRY,  
ROB. M. STRIBLING,  
R. G. BANKS,  
THOS. J. EVANS.

## 1.

## EASTERN LUNATIC ASYLUM.

1st. There was drawn from the public treasury by the *out-going* board, prior to the 15th April, 1884, as follows:

September 22, 1888.....	\$18,000 00
January 19, 1884.....	20,000 00
March 28, 1884.....	22,000 00
	<hr/>
	\$60,000 00

Besides this there was paid by the auditor for transportation of patients, prior to April 15, 1884.....	852 52
	<hr/>
	\$60,852 52

There was drawn from the auditor by the *incoming* board since the 15th April, 1884:

July 4, 1884.....	\$20,000 00
For transportation of patients from 15th of April to 26th August, 1884.....	495 82
Estimated transportation of patients from 26th August to 1st September, 1884.....	31 28
	<hr/>
	20,527 10
	<hr/>
	\$81,379 62

2d. There was appropriated on the 15th March, 1884, for the Eastern lunatic asylum for the fiscal year ending 30th September, 1884.....	80,000 00
Over-draft on public treasury to 1st September, 1884.....	\$1,379 82
	<hr/>

There was in the hands of the steward at the end of the fiscal year 1883, as per steward's books.....	\$847 85
	<hr/>

There was appropriated by the General Assembly on the 15th day of March, 1884, for building purposes.....	\$22,000 00
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Of this sum there was drawn from the public treasury March 28, 1884, by the out-going board, (see ex. com. record, page, 404,).....	\$4,000 00
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There was drawn from the auditor of public accounts by the present board, June 8, 1884, (see building com. record, page, 204,).....	2,629 81
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There was also drawn by the present administration from the auditor public accounts, July 4, 1884, (see bd., records, page, 388,).....	15,870 69
	<hr/>
	22,000 00
	<hr/>

The above sum of \$2,629 81 was borrowed by the out-going board from the general support fund, January 8, 1884, (see record board directors, page, 386,) and this sum in addition to the amount previously drawn from the auditor, makes a total of.....	\$6,629 81
	<hr/>

Of the foregoing sum of \$4,000, there was turned over by the former administration to the present board, (see bank statement filed in clerk's office).....	418 04
To this add the sum drawn from the auditor, June 8, 1884, previously referred to.....	2,629 31
And the further sum drawn from same source, July 4, 1884, previously referred to.....	15,870 69
	<hr/>
	\$18,418 04

The following statement shows how the above sum of \$18,418 04 has been treated :

In settlement of the late steward's accounts of the " building fund," there was shown to be due Mr. Peachy, late steward, (see report of J. H. Barlow, Jr., of committee to settle the accounts of the said Peachy).....	\$157 76
The amount returned to support account by order of board directors, July 4, 1884, (see page, record, 387).....	2,629 31
By checks to contractors on account contract work, from No. 1 to 6, inclusive (save check No. 1, paid steward), see building fund check book.....	699 00
	<hr/>
	8,486 07
Balance in bank.....	<hr/>
	\$14,931 97
By an act of the General Assembly approved March 15, 1884, there was appropriated for the purpose of supplying the Eastern lunatic asylum with electric lights.....	10,000 00
There was drawn from the public treasury on draft of board of directors July 4, 1884, (see bd. records, page —,).....	10,000 00
	<hr/>
July 14, 1884—Deposited in First National Bank at Richmond, Va., to the credit of the Eastern lunatic asylum electric light fund, (see certificate of deposit,).....	10,000 00
July 17, 1884—By check, No. 1, in favor of steward.....	720 00
	<hr/>
Bal. in bank.....	<hr/>
	\$9,280 00

*Old administration.*

There was appropriated out of the public treasury for " repairs " to this asylum, by an act approved 22d April, 1882, the sum of, (rec'd by former board,).....	20,000 00
Rec'd since by said board by transfer from general support fund January 8, 1884, (see board records of that date, page 836,).....	2,629 31
There was drawn from the public treasury by said board March 28, 1884, (see executive committee record of that date, page 404,).....	4,000 00
	<hr/>
	\$26,629 31

The following statement shows how the above amt. of \$26,629 81 was disposed of:

Paid architect.....	1,829 80
" mechanics and laborers.....	6,748 86
" advertisement for bricks.....	12 00
" salary clerk of work.....	180 00
" paints, oils, &c.....	208 66
" hauling.....	87 00
" freights.....	188 65
" lumber.....	2,185 80
" window-pulleys.....	8 40
" sash, blinds, and doors.....	598 96
" lime and cement.....	1,086 01
" bricks, sand, &c.....	8,644 48
" stone-work.....	387 70
" boiler and fixtures.....	1,187 28
" tin-work.....	112 04
" traveling expenses.....	14 50
" pumps, &c.....	225 00
" hardware.....	202 85
" washing-machines.....	1,180 00
" plastering.....	502 50
" slating.....	886 89
" paper-hanging and material.....	222 24
" opera-chairs and benches.....	824 98
" steam-fitting and plumbing.....	5,041 82
" miscellaneous.....	118 16
Turned over to present administration.....	260 28
	<hr/>
	\$26,629 81

3d. As to the amount and value of provisions and supplies on hand April 15, 1884; the officers now in charge say that it is impossible for them to answer, inasmuch as the steward, storekeeper and clerk, did not enter upon the discharge of their respective duties until the 8d day of May, 1884, but they give the following classified statement of the purchases made between the 1st and the 15th April, 1884:

Provisions and groceries.....	\$2,480 47
Oranges and bananas .....	2 00
Whiskey and cigars.....	151 72
Fuel.....	163 69
Shellac, varnish, and turpentine.....	8 50
Grate bars for boiler-room.....	56 00
Dry goods and notions.....	780 22
Lights, candles, &c.....	54 65
Medicines and medical stores.....	333 33
Nails, carpenter's tools, &c.....	61 75
Engineer supplies..	24 44
Gum blankets.....	12 50
Mattresses.....	38 50
Brooms, whitewash brushes, &c.....	53 65
Crockery and tinware.....	57 78
Blank books and printing.....	9 37
Shoes.....	84 50
Paints, oils, and glass.....	112 19
	<hr/>
	\$4,480 26

4th. There was turned over by the old board and authorities to the new management that took control of the Eastern lunatic asylum on the 15th of April, 1884, the following amounts:

April 15, 1884. By outgoing board, money in bank.....	\$10,000 00
June 7, " " late steward on account of general support fund.....	1,303 30
" " " " late steward on account of condemned property.....	123 85
" " " " late steward on account of pay-patients.....	192 62
	<hr/>
	\$11,619 77

5th. Amount of debt contracted prior to 15th April, 1884, as far as ascertained.....	\$12,084 98
Of this there has been paid by the present administration..	6,307 19
Still unpaid.....	5,874 97
Due for transportation.....	852 82
	<hr/>
	\$12,084 98
Debts contracted since 15th April, 1884, and remaining unpaid.....	<hr/>
	\$4,560 36

The inventory of stores was taken on the 8d of May, 1884, (at which time the new storekeeper took charge), and were *estimated* to be of the value of..... \$3,756 54

But from invoices left by the former management, it was found that there was expended for *supplies* between the 1st and 15th of April, 1884, the sum of..... \$5,847 07

The books of the old board show that the old board received between the 30th of September, 1883, and the 15th of April, 1884, on account of pay-patient fund..... \$3,967 85

The books of the old board show that the old board received between 30th September, 1883, and 15th April, 1884, on account of condemned property fund..... \$862 82

The new board received between the 15th April and 30th of September, 1884, on account of pay-patient fund..... \$1,649 28

The new board received between 15th April and 30th September, 1884, on account of condemned property fund..... \$506 84

In the foregoing sum, \$1,649 28, there is not included the sum of \$192 62, pay-patient fund, received by the new board from the old board.

In the foregoing sum of \$506 84 of condemned property fund, there is not included the sum of \$123 85 turned over by old board to the new board.

6th. The average cost per capita has been during the last ten years, for the maintenance of each patient, as follows :

Year.	Average number of patients.	Annual cost per capita.
1873-4.....	286	\$235 96
1874-5.....	302	212 28
1875-6.....	304	216 80
1876-7.....	303	165 90
1877-8.....	309	126 08
1878-9.....	319	156 24
1879-80.....	326	187 62
1880-1.....	348	177 84
1881-2.....	359	186 45
1882-3.....	415	198 46

There are at present (September 8, 1884,) 450 patients in the asylum. The per capita cost since April 15, 1884, per annum, is, as nearly as we can now estimate it, \$160 01.

7th. There are twelve patients who pay board at an average of \$280 41½, equal to \$2,765 per annum. The pay-patient fund is greatly reduced from what it was last year, from the fact that ten (10) pay-patients from the Soldiers Home at Hampton, Virginia, were removed from this asylum just prior to the 15th April, 1884.

8th. The tabular statement marked A and to be found on page 24 of this report, shows how many officers, attendants, and employees are in the service of each asylum, and what proportion they bear to the number of patients, together with the nature of their employment, their sex, color, and their annual salary.

9th. The tabular statement marked B and to be found on page 26 of this report, shows what have been the expenses of the board of visitors for each asylum, for each year for the past ten years, and of what items they consist.

10th. For items of expenditures, &c., see pages 5, 6, 7, 8, and 9 of this report, and the following statement:

TABLE

*Showing the Classified Expenses of the Eastern Lunatic Asylum for the preceding ten years, commencing with the year 1873-4, and ending with the year 1882-3, as shown from the Steward's Statement of Actual Expenditures for the said years.*

	Average number of patients.	Amount of money spent for maintenance.	Amount spent for buildings and improvements.	Amount paid on account of old debt & interest.	Salaries and wages.	Expenses of farm and garden.	Transportation.	Expenses of the board.	Insurance.	Miscellaneous.	Totals.
1873-4.....	285	31,387 59	9,379 15	682 00	16,806 74	3,507 21	4,084 35	621 10	217 56	594 64	67,260 94
1874-5.....	302	30,277 08	9,292 57	.....	17,206 51	3,126 38	3,925 85	505 45	217 56	522 97	65,074 17
1875-6.....	304	33,556 54	5,565 64	696 09	17,005 23	2,850 25	2,272 67	542 85	435 12	887 75	68,512 14
1876-7.....	303	24,543 15	7,475 44	.....	12,385 41	1,437 75	2,337 68	237 90	.....	291 76	46,719 09
1877-8.....	309	23,343 67	6,724 46	861 99	12,190 30	1,264 46	2,181 01	202 00	229 32	703 59	47,240 80
1878-9.....	319	30,278 80	3,454 77	538 00	18,733 17	1,951 07	116 48	409 00	219 91	1,050 82	56,152 02
1879-80.....	326	26,539 19	9,118 29	518 07	19,660 84	1,044 27	253 90	148 00	48 18	707 71	67,968 45
1880-1.....	343	21,326 20	6,013 93	157 58	15,968 77	1,130 99	231 35	67 30	.....	461 93	45,548 06
1881-2.....	369	19,565 71	934 53	10,809 30	12,903 67	466 21	301 77	801 30	.....	431 70	52,214 15
1882-3.....	415	45,126 18	6,944 97	2,639 88	24,280 79	2,346 34	681 13	984 26	187 44	426 94	83,226 93

\*The classified expenditures, as above, for the year 1881-2, are for half year, as the steward's statement is only made for half year.

11th. This asylum has 5 horses ; 2 mules ; 28 cows ; 5 heifers ; 2 bulls.

Two of the horses are used for the ambulance to go to the depot and to take the patients to ride ; one is used on the yard to keep it—the yard—clean, and to haul all filth away from the asylum ; the two other horses and the mules are used on the farm and for the purpose of hauling goods to the Eastern lunatic asylum.

One of the bulls is quite young, but getting old enough to allow us to dispense with the old bull.

These horses, mules, cows, &c., have not been purchased by the new board, but were turned over by the former superintendent and directors to the new management.

12th. In the Eastern lunatic asylum there are 54 females and 2 males regarded as imbeciles, but not harmless ; there are 3 female idiots ; no male idiots ; 30 females and 37 males are regarded as incurable, though harmless.

13th. The tabular statement marked C, and to be found on page 27 of this report, shows the total number of patients in the three asylums in Virginia, and the counties and cities from which they come.

14th. This asylum was established in 1769, (one hundred and fifteen years ago.)

In it are 21 female and 26 male patients who have been there over twenty years ; 21 females and 12 males who have been there over 15 years ; 30 females and 32 males who have been there over 10 years, and 32 males and 26 females who have been there over five years.

One patient has been there since 1836 (48 years), and is said to be 108 years old.

In this asylum is a man from Louisiana who has been there ever since the war. He is supposed to be a soldier who lost his mind in the early part of the war.

## II.

## WESTERN LUNATIC ASYLUM.

1st. There was drawn from the public treasury by the *outgoing* board *prior to* April 15, 1884, as follows :

On 4th October, 1883.....	\$10,000 00
" 5th " " .....	11,000 00
" 8d Novem., " .....	12,000 00
" 3d January, 1884.....	5,000 00
" 5th " " .....	16,000 00
" 2d April, " .....	10,000 00
" 12th " " .....	10,000 00

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\$74,000 00

Besides this there was paid by auditor for transportation of patients..... 1,181 24

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\$75,181 24

There was drawn from the public treasury by the *incoming* board *since* April 15th, 1884, as follows :

May 5, 1884.....	\$3,000 00
July 1, " N. V. bank.....	10,000 00
" " " A. N. " .....	10,000 00
August 9, " " " " .....	2,000 00

Besides this there was paid by auditor for transportation of patients..... 828 48

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25,828 48

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101,009 72

2d. There was appropriated on 15th day of March, 1884, for the fiscal year ending September 30, 1884, the sum of.... 90,000 00

And there remained to the credit of the Western lunatic asylum on September 30, 1883..... 10,986 48

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100,986 48

Thus showing overdraft to September 1, 1884, of..... \$78 29

8d. The following inventory shows the nature, amount, and value of provisions and supplies on hand April 15, 1884, and turned over by the *old* board to the *new* board :

500 cords wood.....	\$1,500 00
225 tons coal.....	675 00
9 tons hay.....	108 00
8 tons offal.....	67 50
50 bushels oats.....	25 00
60 " corn.....	45 00
Medical supplies.....	600 00
Lumber, paints, &c.....	860 54
Leather and shoe findings.....	80 11
Sugar, 15 barrels.....	340 00
Coffee, 16 sacks.....	250 00
Molasses, 9 barrels.....	125 00
Rice, 1 " .....	20 00
Tea, 1 case.....	60 00
Whiskey, 8 barrels.....	210 00
Wine, 1 cask.....	10 00
Brandy, 1 cask.....	10 00
Spices and preserves.....	116 50
Dried fruit, 13 sacks.....	30 00
Crackers, 1 barrel.....	3 50
Candles, 9½ boxes.....	30 00
Wax, 65 pounds.....	16 25
	<hr/>
	\$4,682 40

4th. There was turned over by the old board and authorities, to the new management that took control of the Western lunatic asylum, on the 15th day of April, 1884.....

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\$4,501 56

5th. The Western lunatic asylum owed on 15th April, 1884, so far as ascertained and paid to September 1, 1884.....

4,840 43

Deduct the amount turned over by old board.....

4,501 56

And there remains the deficit of.....

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\$338 87

Debts contracted by new board of the Western lunatic asylum since April 15, 1884, and remaining unpaid September 1, 1884, as follows:

Note at National Valley bank.....	\$2,000 00
37 head beef, part only delivered, estimated value of whole lot.....	2,088 18
Bill of lumber.....	217 18
Over-draft at banks.....	1,023 42
	<hr/>
	\$5,328 78

6th. The average cost per capita has been during the last ten years, for the maintenance of each patient, as follows:

Year.	Average number of patients.	Annual cost per capita.
1878-4.....	847	\$198 28
1874-5.....	858	198 64
1875-6.....	856½	180 67
1876-7.....	859	159 61
1877-8.....	892	151 02
1878-9.....	485½	185 97
1879-80.....	488½	165 10
1880-1.....	486½	166 96
1881-2.....	506½	207 59
1882-3.....	581	224 40

There are at present (September 6, 1884,) five hundred and eighty-eight (588) patients in the asylum. The per capita cost since April 15, 1884, per annum, is \$157 71.

7th. Number of patients that pay board—84.

Twenty-eight at \$270 per annum.....	7,560 00
Six at from \$60 to \$240 per annum.....	915 60
	<u>\$8,475 60</u>

8th. The tabular statement, marked A, and to be found on page 24 of this report, shows how many officers, attendants, and employees are in the service of each asylum, and what proportion they bear to the number of patients, together with the nature of their employment, their sex, color, and their annual salary.

9th. The tabular statement, marked B, and to be found on page 26 of this report, shows what have been the expenses of the board of visitors for each asylum for each year, for the past ten years, and of what items they consist.

10th. Expenditures of Western lunatic asylum:

1878-4.

Salaries of officers.....	9,225 00
Wages of white employees.....	7,024 92
Hire of colored employees.....	2,889 28
Improvements and repairs.....	5,602 78
Furniture and fixtures.....	3,455 10
	<u>28,197 08</u>
Balance for maintenance.....	40,607 56
	<u>\$68,804 59</u>

## 1874-5.

Salaries.....	\$8,825 00
Wages.....	6,989 95
Hire.....	3,322 80
Steam boilers.....	2,240 00
Water closets.....	522 53
Improvements and repairs.....	8,783 47
Furniture and fixtures.....	2,611 70
	<hr/>
	28,295 45
Balance for maintenance.....	43,118 27
	<hr/>
	\$71,413 72

## 1875-6.

Salaries.....	\$9,141 66
Wages.....	7,830 19
Hire.....	8,195 56
Improvements and repairs.....	2,417 38
Furniture and fixtures.....	2,419 72
	<hr/>
	24,504 51
Balance of maintenance.....	39,907 25
	<hr/>
	\$64,411 76

## 1876-7.

Salaries.....	\$9,150 00
Wages.....	7,892 30
Hire.....	8,236 72
Improvements and repairs.....	2,476 65
Furniture and fixtures.....	2,877 31
	<hr/>
	24,632 98
Balance for maintenance.....	32,670 35
	<hr/>
	57,303 33

## 1877-8.

Salaries.....	\$9,150 00
Wages.....	7,638 19
Hire.....	2,994 55
Improvements and repairs.....	3,920 90
Furniture and fixtures.....	1,833 25
	<hr/>
	25,536 89
Balance.....	33,664 57
	<hr/>
	59,201 46

## 1878-9.

Salaries.....	\$8,996 66
Wages.....	9,858 19
Hire.....	2,025 42
Improvements and repairs.....	4,402 02
Furniture and fixtures.....	8,968 26
	<hr/>
	29,385 55
Balance.....	29,881 18
	<hr/>
	\$59,216 68

## 1879-80.

Salaries.....	9,866 44
Wages.....	10,815 90
Hire.....	2,270 98
Improvements and repairs.....	6,669 67
Furniture and fixtures.....	4,668 82
	<hr/>
	34,286 81
Paid for spring of water.....	1,767 50
Bal.....	40,470 76
	<hr/>
	\$76,525 07

## 1880-81.

Salaries.....	9,850 00
Wages.....	11,679 29
Hire.....	2,817 26
Improvements and repairs.....	5,152 77
Furniture and fixtures.....	8,990 06
Addition to water supply.....	1,215 16
	<hr/>
	34,204 54
Bal.....	46,858 18
	<hr/>
	81,062 72

## 1881-82.

Salaries.....	9,961 81
Wages and hire.....	17,410 10
Improvements and repairs.....	9,007 26
Furniture and fixtures.....	4,041 50
	<hr/>
	40,420 67
Balance.....	64,725 42
	<hr/>
	\$105,146 09

1882-88.

Salaries.....	10,420 00
Wages.....	19,927 68
Improvements and repairs.....	17,014 83
Furniture and fixtures.....	1,902 08
	<hr/>
	49,264 54
Balance.....	69,877 28
	<hr/>
	\$119,141 77

The "improvements and repairs" in the foregoing statement, embrace a *permanent* remodelling old building wall; remodelling heating apparatus of female ward; coal shed; refrigerator; and all the work, of every kind, necessary to keep in repair every department whatever of a home for nearly 700 persons.

The "furniture and fixtures" embrace beside furniture proper, all apparatus and tools used on farm, in garden, store department, grounds, kitchen, &c.

Prior to 1882-3:

Cost of (3) new buildings.....	65,000 00
Appropriation.....	40,000 00
	<hr/>
Advanced by asylum.....	\$25,000 00

Collected from old outstanding claims upon pay-patients.

The last administration added no accommodations for patients, but built a house for assistant physician, and duplicated the steward's residence; also, a new bakery.

11th. This asylum owns 8 horses and mules; 38 milch cows; 150 hogs and pigs.

12th. There are in the Western lunatic asylum—imbeciles, 12 males and 12 females—total, 24; idiots, 3 males and 1 female—total, 4. Will not probably recover—268 males; 255 females—total, 523. None are harmless.

13th. The tabular statement, marked C, and to be found on page 27 of this report, shows the total number of patients in the three asylums in Virginia, and the counties and cities from which they come.

14th. The Western lunatic asylum was established in 1825—nearly sixty years ago. In it are 29 males and 31 females, who have been there over twenty years; 39 males and 89 females, who have been there over fifteen years; 30 males and 17 females have been there over ten years; 24 males and 40 females have been there over five years.

## III.

## CENTRAL LUNATIC ASYLUM.

1st. For the Central lunatic asylum there was appropriated by the Legislature on the 15th day of March, 1884, for the fiscal year ending September 30, 1884, the sum of..... \$50,000 00  
 And a special appropriation to pay liabilities outstanding April 1, 1884, in excess of the annual appropriation..... 15,000 00  
**\$65,000 00**

2d. There was drawn from the public treasury by the *out-going* board, prior to April the 15, 1884, as follows:  
 October 1, 1883..... \$7,500 00  
 Novem. 3, " ..... 5,000 00  
 January 3, 1884..... 9,964 26  
 March 12, " ..... 15,000 00  
 April 11, " ..... 15,000 00  
**\$52,464 26**  
 And there was drawn from the public treasury, by the *in-*  
*coming* board since April 23, 1884, the sum of..... 12,500 00  
**64,964 26**  
 Leaving a balance not drawn from the treasury of..... **\$85 74**

No transportation has been paid the auditor for the year ending September 30, 1884, by the present board, and none known to be paid by the out-going board.

For the amounts appropriated for, and expended on the new building, see the following statement:

PETERSBURG, VA., SEPTEMBER 11, 1884.

Hon. TAYLOR BERRY,

*Chairman Committee General Assembly of Virginia:*

DEAR SIR:

As requested, I send you the following information in answer to the following questions relating to the building of the Central lunatic asylum:

1st. ques. How much money has been appropriated and when?

Ans. On March 6, 1882..... \$100,000 00  
 On March 15, 1884..... 65,000 00

Total appropriated..... **\$165,000 00**

2nd. ques. How much of same was expended prior to April 15, 1884?

Ans. \$55,730 07.

3rd. ques. How much of same expended since April 15, 1884?

Ans. \$37,987 52.

4th. ques. What balance is now on hand and where deposited?

Ans. Not yet drawn and now in state treasury, \$45,000 00.

Now on deposit in the Petersburg Savings and Insurance company, for which the asylum holds the bond of the company for \$75,000 00, with following sureties, viz: Fred. R. Scott, John P. Branch, James H. Dooley, Samuel B. Paul, David B. Tennant, Alexander Donnan, and D. W. Lassiter. On daily balances the company pays the asylum at the rate of 8 per cent. per annum:

Principal.....	\$26,282 41
Interest accrued.....	880 81
Total cash balance available.....	<u>\$71,612 72</u>

5th. ques. The amount of contracts already made and not paid for, to be deducted from unexpended appropriations?

Ans. Amount of contracts made prior to April 15, 1884.....	\$90,580 75
Amount contracts made from April 15, to August 4, 1884.....	62,804 00
Amount contracts made since August 4, 1884.....	5,886 57
Total contracts actually made.....	<u>\$159,221 32</u>
Deduct total amount paid on contracts as above.....	\$55,780 07
	<u>87,987 52</u>
	<u>98,717 59</u>

Amounts yet to be paid on contracts made..... 65,503 78

Amount above with which to pay the same..... 71,612 72

Balance of available funds for which contracts are in process of being made..... \$6,108 99

6th ques. How much additional appropriation is desired to complete the buildings and improvements, and the nature of the objects on which to be expended?

Ans. \$30,000 00; the objects upon which this amount is to be expended and the reasons for which it is asked are fully stated in the printed petition herewith filed as a part of this answer\*; the said petition being the result of the unanimous action of the directors of the board; the undersigned does not feel at liberty either to take from or add to the same; no estimate has been made for the cost of removing the patients and establishment to the new buildings on January 1, next. It may be well to state that under our system of contracts, a bond with security being required for 20 per cent., and in addition 20 per cent. of money earned on each contract being reserved until completion of the contract. That we will, during the next thirty days, have to pay out most of this reserved per cent., amounting to some \$25,000 00, as the important contracts are rapidly nearing completion, in addition to paying the four-fifths of amounts earned on work progressing; also, that our right to retain the present location near Richmond ends on January 1, next, and that our efforts to obtain permission to keep the patients there for even a very short time thereafter, if necessary, have met with no success, but been peremptorily declined, and that we have had verbal notice from counsel for the owners of that property that we will be ejected promptly on January 1, unless we then give possession; lastly, the necessary work yet to be contracted for to complete the asylum and render it ready for use can now be done at much less cost than after a break in the work occurs, as the contractors are on the ground, and labor and materials are at low prices, owing to the business condition of the country.

Respectfully submitted,

ALEXANDER HAMILTON,

*President Board Central Lunatic Asylum and Chairman Building Committee.*

September 11, 1884.

\* A copy of this petition was furnished to each member of the legislature during the session in August, 1884.

3d. The following items show the amount, value, and nature of the provisions on hand April 28, 1884, and turned over by the old board to the new board :

Forty cords wood.....	160 00
Fifty tons coal.....	250 00
Hay and straw.....	5 25
Offal.....	1 20
Five bushels of oats.....	2 50
Medical supplies.....	200 00
Lumber and shingles.....	28 25
Seven barrels of sugar.....	129 25
Coffee.....	11 70
Molasses.....	2 50
Vinegar.....	1 20
Tea (4 chests and piece).....	82 55
Whiskey.....	19 00
Spices.....	14 80
Dried fruit.....	1 50
Candles.....	28 90
Flour (28 barrels and piece).....	129 75
Meal.....	19 50
Bacon.....	80 40
Brooms.....	51 00
Hominy.....	14 25
Onions and potatoes.....	5 25
Salt.....	1 70
Eggs.....	2 50
Lard.....	18 00
Soda.....	1 40
Dry-goods, &c., in store-room.....	300 00
Soap.....	47 70
	<hr/>
	\$1,600 05

4th. There was turned over by the retiring board, to the incoming board on April 28, 1884 :

In bank.....	\$11,809 18
“ cash.....	87 07
	<hr/>
	\$11,846 25

5th. Amount of current expenses due and unpaid April 28, 1884, so far ascertained and paid to September 1, 1884..... \$2,826 14

In addition to this amount, there is a claim accrued to April 1, 1884, said to be due for rent which has not been paid, because the whole matter is in litigation in the circuit court of Henrico, for about..... \$950 00

There are no debts contracted and now unpaid, except those for current expenses for the month of August, 1884, which will be paid as soon as they are approved by the executive committee, which will meet for that purpose on September 10, 1884, and the balance the court shall adjudge to be due for rent since April 1, 1884.

6th. The average cost per capita has been during the last ten years for the maintenance of each patient, as follows :

Year.	Average number of patients.	Annual cost per capita.
1873-4.....	208	\$197 41
1874-5.....	238	196 17
1875-6.....	249	188 80
1876-7.....	251	188 43
1877-8.....	251	178 64
1878-9.....	256	165 05
1879-80.....	265	165 55
1880-1.....	364	144 57
1881-2.....	379	158 74
1882-3.....	423	141 46

There are at present (September 10, 1884,) four hundred and two (402) patients in the asylum. The per capita cost since April 23, 1874, per annum, is \$130 85. In addition to this number (402) there are 34 patients away from the asylum on probation, who may return at any time.

7th. There are no pay-patients in the Central lunatic asylum.

8th. The tabular statement marked A, and to be found on page 24 of this report, shows how many officers, attendants, and employees are in the service of each asylum, and what proportion they bear to the number of patients, together with the nature of their employment, their sex, color, and their annual salary.

9th. The tabular statement marked B, and to be found on page 26 of this report, shows what have been the expenses of the board of visitors for each asylum, for each year for the past ten years, and of what items they consist.

10th. Items of the expenditures of all moneys appropriated or drawn out of the public treasury since October 1, 1883, for the purposes of the Central lunatic asylum, for the year ending September 30, 1884.

	By old board.	By new board.
For officers, attendants and employees.....	\$10,167 59	\$6,842 04
“ expenses of boards.....	756 55	807 12*
“ insurance, printing, toll, &c.....	888 75	450 02
“ maintenance.....	20,695 74	9,808 56
“ permanent improvements.....	0 00	0 00

11th. The asylum has 3 horses; 2 mules; 6 cows.

12th. As to the number of idiots and imbeciles in the Central lunatic asylum, see the following proceedings of the board of directors :

\* The expenses of the new board have been large, owing to the frequent meetings in connection with the new asylum building.

"At a meeting of the board of directors of the Central lunatic asylum, held at the asylum on June 4, 1884."

The following extract is taken from the minutes :

"It appearing to the board that the late superintendent reports, that from 50 to 75 imbeciles or idiots are improperly in this asylum; on motion of Mr. Hamilton, the superintendent is respectfully requested to examine and report to the next meeting of the executive committee."

A true copy.

JOHN H. WORSHAM, *Secretary*.

"At a meeting of the executive committee of the Central lunatic asylum, held at the asylum June 11, 1884."

The following is taken from the minutes :

"The superintendent made a report of 'imbeciles and idiots,' as requested by the board at its meeting on June 4, 1884. After a careful examination of the inmates of this asylum, with the assistance of Dr. Cabell, assistant superintendent, he was able to find only one patient, a boy name Jessee Howard an 'idiot,' who was improperly in the asylum. There are a number of quiet patients who might be cared for elsewhere, but in his opinion are of unsound mind, and consequently, according to the law, are entitled to be cared for in the asylum; most, if not all are subject to periods of excitement when they require the restraining influence of an asylum. This must be the case in all asylums, unless provision is made to treat the chronic and acute insane in separate institutions."

A true copy.

JOHN H. WORSHAM, *Secretary*.

18th. The tabular statement marked C, and to be found on page 27 of this report, shows that the total number of patients in the three asylums in Virginia, and the counties and cities from which they come.

14th. This institution has only been in existence fourteen years. In it there are 91 patients who have been there over ten years; 48 between 5 and 10 years; 302 under 5 years.

## A.

*A list of the Officers, Attendants, and Employees at the three Lunatic Asylums in the state of Virginia, showing the number and the character of their positions and their annual salaries or compensation.*

Character of employment.	Eastern lunatic asylum.		Western lunatic asylum.		Central lunatic asylum.	
	Number employed.	Annual salary.	Number employed.	Annual salary.	Number employed.	Annual salary.
Superintendents.....	1	2,500 00	1	3,000 00	1	2,500 00
Assistant physicians (\$1,500 each).....	2	3,000 00	2	3,000 00	1	1,500 00
Assistant physicians.....	1	1,250 00	1	1,250 00	1	1,000 00
Stewards.....	1	750 00	1	1,000 00	1	900 00
Stewards' assistants.....	1	750 00				
Clerks.....	1	900 00	1	350 00	1	600 00
Matrons.....	1	600 00	1	500 00	1	400 00
Supervisors.....	1	600 00			3	1,440 00
Supervisors male department.....			1	240 00		
Supervisors female department.....			1	180 00		
Storekeepers.....	1	700 00				
Druggists.....	1	360 00				
Farmers.....	1	500 00	1	300 00	1	600 00
Farm-hands.....	3	378 00	2	288 00	1	216 00
Gardeners.....			1	300 00		
Garden-hands.....			2	288 00		
Engineers.....	1	660 00	1	625 00		
Assistant engineers.....	1	300 00	2	504 00		
Assistant engineers.....			1	300 00		
Firemen.....	2	480 00				
Gas-maker.....	1	240 00				
Traveling agents.....	1	360 00			1	480 00
Watchmen (male).....	2	720 00				
Female watchmen.....	1	300 00				
Night watch.....			1	300 00		
Night watch.....			1	200 00		
Night nurses (female).....			2	275 00		
Seamstresses.....	1	180 00	2	275 00	1	180 00
Seamstresses.....			1	48 00		
Laundresses.....	1	200 00	9	1,080 00	1	132 00
Laundresses.....			1	144 00		
Laundry servants.....	2	168 00				
Messengers and mail-carriers.....	1	180 00				
Attendants (male).....	10	2,500 00	18	3,600 00	23	4,968 00
Attendants (male).....			3	720 00		
Attendants (female).....	10	2,160 00	21	2,887 50	15	1,800 00
Attendants (female).....			1	180 00		
Attendants' male assistants.....	14	2,016 00				
Attendants' female assistants.....	9	864 00				
Attendants' ward.....	7	538 00				
Maids.....	1	84 00				
Chambermaids.....			1	96 00		
Head dining-room servants.....	1	144 00				
Superintendents of dining-room.....			1	125 00		
Female dining-room servants.....	2	168 00				
Waiters.....			1	200 00		
Waiters.....			4	576 00		
Waiters.....			1	72 00		

## A—CONTINUED.

Character of employment.	Eastern lunatic asylum.		Western lunatic asylum.		Central lunatic asylum.	
	Number employed.	Annual salary.	Number employed.	Annual salary.	Number employed.	Annual salary.
Hack-drivers.....	1	156 00				
Stable-hands.....	1	120 00				
Hostlers.....	1	180 00				
Carriage-drivers.....			1	180 00		
Drivers.....					1	144 00
Teamsters.....					1	180 00
Laborers.....	3	432 00				
Shoemakers.....	1	360 00	2	576 00		
Bakers.....	1	540 00	1	360 00	1	480 00
Housekeepers.....			1	300 00		
Chief cooks.....	1	300 00	1	240 00	1	96 00
Assistant cooks (male).....	2	288 00	5	696 00		
Assistant cooks (female).....	1	84 00				
Superintendent of kitchen and cooking.....			1	200 00		
Kitchen boys.....	1	90 00				
Carpenters.....	1	540 00				
Carpenters.....			1	625 00		
Carpenters.....			1	418 00		
Chaplains.....	1	300 00				
Gate-keepers.....	1	120 00				
Butchers and dairymen.....	1	240 00				
Dairymen.....			1	144 00		
Milkmaids.....			1	72 00		
Soapmakers.....			1	144 00		
Painters.....			1	418 00		
Barbers.....			1	200 00		
Organists.....			1	60 00		
Cutters.....					1	180 00
	100	\$27,100 00	107	\$26,526 50	57	\$17,796 00

Eastern lunatic asylum—450 patients.

Ratio of officers, attendants, and employees to patients—1 to 4½ patients.

Ratio of attendants to patients—1 to 9.

Western lunatic asylum—588 patients.

Ratio of officers, attendants, and employees to patients—1 to 6.

Ratio of attendants to patients—1 to 13½.

Central lunatic asylum—402 patients.

Ratio of officers, attendants, and employees to patients—1 to 7.

Ratio of attendants to patients—1 to 10½.

Annual cost of officers, attendants, and employees (exclusive of maintenance and support), to patients, per capita:

Eastern lunatic asylum, \$6 02½ for each patient.

Western lunatic asylum, \$4 51 for each patient.

Central lunatic asylum, \$4 42½ for each patient.

## B.

*Expenses of the Boards.*

	Eastern Asylum.	Western Asylum.	Central Asylum.
1878-4.....	\$621 10	\$115 50	\$775 00
1874-5.....	505 45	47 50	855 99
1875-6.....	542 85	92 60	880 00
1876-7.....	287 90	76 60	776 00
1877-8.....	202 00	28 00	889 50
1878-9.....	409 00	50 50	749 82
1879-80.....	148 00	79 00	482 50
1880-1.....	67 80	55 80	648 50
1881-2.....	801 20	496 60	1,291 45
1882-3.....	984 26	811 85	1,073 45
	\$4,519 06	\$1,853 95	\$8,422 51

The expenses of the boards of visitors consist entirely of per diem and traveling expenses. The large increase of the expenses in the last two years, grows out of the fact that the directors for that period have been more widely scattered over various parts of the state, and their traveling expenses have been necessarily increased.

As to the Western lunatic asylum, it is proper to remark that in former years the directors rarely charged any per diem, and most of them residing near the asylum, their traveling expenses were very small.

## C.

*The following statement shows the total number of Patients in the three Lunatic Asylums of Virginia, and the counties and cities from which they come.*

	Eastern.	Western.	Central (colord).	Total.
Accomac.....	5	.....	2	7
Albemarle.....	6	30	9	45
Alexandria county.....	8	5	.....	8
Alexandria city.....	6	.....	6	12
Alleghany.....	.....	2	1	3
Amelia.....	.....	2	3	5
Amherst.....	5	5	1	11
Appomattox.....	1	5	2	8
Augusta.....	2	43	4	49
Bath.....	.....	5	1	6
Bedford.....	5	20	4	29
Bland.....	8	4	.....	7
Botetourt.....	4	10	1	15
Brunswick.....	2	2	5	9
Buckingham.....	5	7	5	17
Buchanan.....	.....	1	.....	1
Campbell.....	5	14	5	24
Caroline.....	9	2	2	13
Carroll.....	.....	6	.....	6
Charles City.....	.....	.....	4	4
Charlotte.....	7	5	9	21
Chesterfield.....	8	4	6	18
Clarke.....	.....	5	1	6
Craig.....	.....	1	.....	1
Culpeper.....	5	6	5	16
Cumberland.....	5	7	2	14
Danville.....	1	1	6	8
Dickenson.....	.....	.....	.....	.....
Dinwiddie.....	5	8	4	12
Elizabeth City.....	4	.....	5	9
Essex.....	1	2	1	4
Fairfax.....	2	3	2	7
Fauquier.....	6	16	6	28
Floyd.....	2	5	1	8
Fluvanna.....	.....	5	1	6
Franklin.....	1	5	2	8
Frederick.....	.....	18	3	21
Fredericksburg.....	1	1	3	5
Giles.....	1	11	1	13
Gloucester.....	2	2	7	11
Goochland.....	4	5	4	13
Grayson.....	2	3	1	6
Greene.....	3	3	2	8
Greensville.....	3	.....	1	4
Halifax.....	8	1	13	22

## C.—CONTINUED.

	Eastern.	Western.	Central (colored).	Total.
Hampton.....			1	1
Hanover.....	8	5	4	12
Henrico.....	9	2	11	22
Henry.....	5	5	5	15
Highland.....		8	1	9
Isle of Wight.....	2		1	3
James City.....	8		2	5
King George.....	8	1	8	7
King & Queen.....	2		8	5
King William.....	2	4		6
Lancaster.....	1		1	2
Lee.....	3	7		10
Loudoun.....	8	15	4	27
Louisa.....	4	8	10	22
Lunenburg.....	5	1	1	7
Lynchburg.....		4	6	10
Madison.....	1	3		4
Manchester.....	2		2	4
Mathews.....	8		2	5
Mecklenburg.....	5	1	8	14
Middlesex.....	4		8	7
Montgomery.....	4	9	1	14
Nansemond.....	4		8	7
Nelson.....		7	8	10
New Kent.....	3		4	7
Norfolk county.....	6	1	9	16
Norfolk city.....	15	1	15	81
Northampton.....	2	1	2	5
Northumberland.....	3		1	4
Nottoway.....	5	2	7	14
Orange.....	5	6	8	14
Page.....	1	8		9
Patrick.....	5	2		7
Petersburg.....	29	1	28	58
Pittsylvania.....	13	6	9	28
Portsmouth.....	8		6	14
Powhatan.....	1	2		3
Prince Edward.....	3	5	9	17
Prince George.....	1		8	4
Princess Anne.....	8		4	7
Prince William.....	4	8	1	8
Pulaski.....	1	4		5
Rappahannock.....	2	4	2	8
Richmond city.....	37	25	71	133
Richmond county.....	2		1	3
Roanoke.....		4	4	8
Rockbridge.....	2	24	2	28
Rockingham.....	3	19	2	24
Russell.....		6		6
Scott.....	3	4		7
Shenandoah.....	2	16		18
Smyth.....	3	18	1	17
Southampton.....	5		5	10
Spotylvania.....	3	7	1	11
Staunton.....		5	4	9

## C.—CONTINUED.

	Eastern.	Western.	Central (colord).	Total.
Stafford.....	8	1	.....	4
Suffolk.....	8	.....	.....	8
Surry.....	2	.....	4	6
Sussex.....	1	2	1	4
Tazewell.....	1	8	1	10
Warren.....	2	4	4	10
Warwick.....	1	.....	8	4
Washington.....	2	17	8	22
Westmoreland.....	8	.....	.....	8
Williamsburg.....	9	.....	5	14
Winchester.....	2	8	1	6
Wise.....	4	1	.....	5
Wythe.....	4	8	1	13
York.....	8	.....	8	6
	415	568	486	1,419

## D.

*Lunatics in the several Jails of the state of Virginia awaiting admission into an Asylum, September 18, 1884.*

	White males.	White females.	Colored males.	Colored females.	Total.
Accomac.....					1
Albemarle.....			1		2
Alexandria.....			1	1	1
Alleghany.....			1		2
Amelia.....			1	1	1
Amherst.....	1				1
Appomattox.....					
Augusta.....			2		2
Bath.....					
Bedford.....				1	1
Bland.....					
Botetourt.....					
Brunswick.....			1	1	2
Buchanan.....					
Buckingham.....					
Campbell.....					
Caroline.....		1			1
Carroll.....	1	2			3
Charles City.....					
Charlotte.....					
Chesterfield.....			1		1
Clarke.....					
Craig.....					
Culpeper.....					
Cumberland.....					
Danville.....			3	3	6
Dickinson.....					
Dinwiddie.....					
Elizabeth City.....			2	1	3
Essex.....					
Fairfax.....					
Farmville.....					
Fauquier.....	1				1
Floyd.....					
Fluvanna.....					
Franklin.....				1	1
Frederick.....		1			1
Fredericksburg.....				3	3
Giles.....		1			1
Gloucester.....					
Goochland.....					
Grayson.....			1		1

## D.—CONTINUED.

	White males.	White females.	Colored males.	Colored females.	Total.
Greene.					
Greeneville.					
Halifax.....			1	1	2
Hanover.					
Henrico.					
Henry.					
Highland.					
Isle of Wight.					
James City.....			1	1	2
King & Queen.....			1	2	3
King George.					
King William.....				1	1
Lancaster.					
Lee.					
Loudoun.					
Louisa.....				1	1
Lunenburg.....	1				1
Lynchburg.					
Madison.					
Manchester.					
Matthews.					
Mecklenburg.....			1		
Middlesex.....	1				1
Montgomery.					
Nansemond.					
Nelson.....		1			1
New Kent.					
Norfolk county.....				2	2
Norfolk city.					
Northampton.					
Northumberland.					
Nottoway.					
Orange.....			1		1
Page.....	1	1			2
Patrick.					
Petersburg.....			4	1	5
Pittsylvania.					
Portsmouth.....				1	1
Powhatan.					
Prince Edward.					
Prince George.					
Princess Anne.					
Prince William.					
Pulaski.					
Rappahannock.					
Richmond city .....			2	2	4
Richmond county.....			1		1
Roanoke city.					
Roanoke county.....			1	1	2
Rockbridge.					
Rockingham.....		2			2

## D.—CONTINUED.

	White males.	White females.	Colored males.	Colored females.	Total.
Russell.....			1	1	2
Scott.....					
Shenandoah.....					
Smyth.....	1		1		2
Southampton.....					
Spotsylvania.....					
Stafford.....					
Surry.....				1	1
Sussex.....					
Tazewell.....	1				1
Warren.....	1				1
Warwick.....					
Washington.....		1		1	2
Westmoreland.....					
Winchester.....					
Wise.....					
Wythe.....			1		1
York.....					
					77

*Summary.*

White males.....	9	
"    females.....	10	
	—	19
Colored males.....	80	
"    females.....	28	
	—	58
Total.....		77

## E.

Of the 100 officers, attendants, and employees at the Eastern lunatic asylum, 27 of the employees are colored, and their aggregate annual salaries amount to \$3,516.

Of the 107 officers, attendants, and employees at the Western lunatic asylum, 16 of the employees are colored, and their aggregate annual salaries amount to \$2,844.

Of the 57 officers, attendants, and employees at the Central lunatic asylum, 50 of the employees are colored, and their aggregate annual salaries amount to \$10,216.

REPORTS  
OF THE  
MAJORITY AND MINORITY  
OF THE  
SPECIAL COMMITTEE OF THE HOUSE

APPOINTED TO

INQUIRE WHAT SUMS HAVE BEEN DRAWN FROM THE  
TREASURY BY ATTORNEY-GENERAL BLAIR  
OTHER THAN HIS SALARY, TOGETHER  
WITH THE EVIDENCE TAKEN  
THEREIN.

---

*To the Honorable House of Delegates of Virginia:*

Your committee appointed under the following resolution :

*Resolved,* That a special committee of three be instructed to ascertain and report what sums, if any, have been drawn from the treasury by Attorney-General F. S. Blair, other than his salary by law, and under and by what authority such sums were so drawn. Said committee may sit during the sessions of the House, and shall report as soon as practicable, and shall have power to send for persons and papers—

Respectfully report that they find from the records of the auditor's office that the following sums have been drawn from the treasury of the commonwealth by Attorney-General F. S. Blair, since the commencement of his term of office, and prior to October 1, 1884:

For 1882:

Salary.....	\$2,500 00
Fees allowed by the governor in the Roanoke Navigation case.....	1,000 00
Fee allowed by the auditor in the case of Townes' Ex'ors, &c.....	1,000 00
Mileage.....	670 60
Office and contingent expenses.....	1,697 41
	<u>2,368 01</u>
Total for 1882.....	6,868 01

From which deduct as having been properly drawn:

Salary.....	2,500 00
Attorney-General's contingent fund.....	900 00
Fees ordered by governor.....	1,000 00
Expenses ordered by same.....	69 25
Five per cent. on \$7,515 05, collected December 22, 1882, and October 24, 1884, on the Townes or Wimbish judgments.....	375 75
	<u>4,845 00</u>

Leaving amount overdrawn in 1882..... \$2,023 01

For 1883:

Salary.....	\$2,500 00
Fees.....	2,757 00
Mileage.....	188 60
Office and contingent expenses.....	698 26
	<u>836 86</u>
Total for 1883.....	6,093 86

From which deduct as properly drawn:

Salary.....	2,500 00
Attorney-General's contingent fund.....	900 00
Fee allowed by the governor in the cases against Farish, treas- urer Albemarle county, (to be charged to the civil contin- gent fund).....	250 00
	<u>3,650 00</u>

Leaving amount overdrawn in 1883..... \$2,443 86

For 1884, up to October 1st:

Salary ( $\frac{3}{4}$ of \$2,500).....	\$1,875 00
Fees.....	1,518 00
Mileage.....	230 00
Office and contingent expenses.....	456 05
	<u>686 05</u>
Total to October 1, 1884.....	4,079 05

From which deduct as properly drawn:

Salary as above stated.....	1,875 00
Attorney-General's contingent fund so far as drawn upon as above stated.....	686 05
	<u>2,561 05</u>

Leaving amount overdrawn in 1884, to October 1st..... \$1,518 00

## Aggregate of amounts overdrawn :

In 1882.....	\$2,023 01
In 1883.....	2,448 86
In 1884, (to October 1st).....	1,518 00
Gross amount overdrawn.....	5,984 87
Against this, allow amount of fees taxed in costs (at the rate claimed by the attorney-general), in cases in which judgments were rendered in favor of the state, and upon which partial payments have been made into the treasury—(see auditor's list A,).....	572 00
Net amount overdrawn and due to the state.....	\$5,412 87

For the various items composing the foregoing aggregates, see table X, hereto annexed, and made up from the records of the auditor's office.

*Compensation of the Attorney-General.*

The following statutes regulate such compensation : by section 16, chapter 13 of the Code of 1873, he was allowed an annual salary of \$2,000, and "the same mileage as that allowed the judges of the court of appeals whilst traveling to and from said court"; and, in addition, by section 5, chapter 161, he was allowed a fee, to be paid out of the public treasury, on the final determination of any cause wherein he appeared for the commonwealth, in the court of appeals or the circuit court of Richmond city. Section 2, chapter 161, prescribed that he should appear as counsel for the state in all cases in which the commonwealth was interested in the courts above named. But by an act of the General Assembly, approved April 4, 1877, said section 2 is amended and re-enacted so as to read as follows : "He shall appear as counsel for the state in all cases in which the commonwealth is interested, depending in the supreme court of appeals, the supreme court of the United States, the district and circuit courts of the United States for the state of Virginia, and the circuit court of the city of Richmond; and he shall discharge such other duties as may be imposed by the General Assembly; and he shall receive for his services an annual salary of thirty-five hundred dollars, but he shall not be entitled to receive any fees, perquisites, or rewards whatever, in addition to the salary aforesaid, for the performance of any official duty."

The act of April 4, 1877, then proceeds by an independent section, to repeal said section 5, which allowed the attorney-general to draw fees from the public treasury. The salary of the attorney-general is thus increased, and his right to draw fees taken from him.

By act approved March 12, 1878, said section 2 is again amended so as to read as follows : "The attorney-general shall receive the sum of twenty five hundred dollars annually for his services, and shall not be entitled to any further compensation therefor. He shall appear as counsel for the state in all cases in which the commonwealth is interested, depending in the supreme court of appeals, the supreme court of the United States, the district and circuit courts of the United States for the state of Virginia, and the circuit court of the city

Richmond; and he shall discharge such other duties as may be imposed by the General Assembly."

It was claimed by the attorney-general before your committee, that section 2 as amended by the act of 1878, did not contain the prohibition embraced in that section by the act of 1877, against his receiving "any fees, perquisites, or rewards whatever, in addition to the salary," &c., but only said he should receive a certain salary, and should "not be entitled to any further compensation" for his services; and that, therefore, section 5, which had since be repealed by the act of 1877, was in effect revived, and he was entitled to draw his fees thereunder. Your committee find nothing in law or reason to sustain such a claim. The act of 1877, by an independent section, expressly repeals section 5, which was the only authority the attorney-general had for drawing fees from the public treasury, and no law has since been passed authorizing him to do so. To say that this right to receive fees, which is thus in express terms taken from him, is revived merely because a separate and independent section of the repealing law is so re-enacted in 1878, as to use the expression "he shall not be entitled to any further compensation," instead of saying "he shall not be entitled to receive any fees," &c., over and above his salary, is to state a proposition on it face untenable. Even if the plain meaning of the language used did not forbid any such construction, the constitutional requirement that no law should be revived except by being re-enacted at length, would forbid it.—Article V, section 15.

It was claimed that the case of *Thon vs. The Commonwealth*, 77 Va. Rep., was an authority upon this subject. This case only decided that an attorney's fee was to be taxed against Thon in the case, because it had been decided against him and in favor of the commonwealth, in the court of appeals. This was the only point involved, though the court goes on to speak of the attorney-general's right to receive the fee to be paid by Thon under section 16, chapter 181 of the Code of 1873. This section provides that in a case where there is a judgment in favor of the commonwealth for costs in which is taxed the fees or allowance of any person, the same "shall be paid to him by the sheriff or other officer who may receive said costs," &c. Neither this section nor this decision say one word about any fees being paid out of the public treasury. To give them the utmost scope that can be claimed for them, they only say that where there is a judgment in favor of the commonwealth for costs upon which an attorney's fee is actually collected from the adverse party, the attorney-general (if it is a case where he appeared for the commonwealth) is entitled to receive such fee, not out of the treasury, but from the sheriff or other officers who may collect it.

For these reasons, your committee have charged against the attorney-general as improperly drawn, all fees received by him out of the public treasury; but, in order to do him full justice, have credited him by the amount of the taxed fees in all cases where the commonwealth has actually received money on judgments or decrees in her favor, presuming that attorney's fees have been taxed in the costs in such cases and covered into the treasury. The amount so credited is \$572, as shown by the auditor's statement, A.

While your committee have given the attorney-general credit for the full amount of statement A, they deem it proper to say that the fees in said state-

ment, in the cases of Kasey, Deakins, Walker (two cases), Wimbish (seven cases), and Goode (seven cases), should have been stated at \$2 50 each, instead of \$8, which would reduce the amount by which the attorney-general would take credit to \$473.

The attorney-general filed before your committee a statement, (not, however, claimed to be strictly accurate,) showing which cases the commonwealth had gained, and which she had lost, of those in which he had drawn fees from the treasury. In view of the reasons hereinbefore stated, your committee did not consider this paper relevant to the inquiries they were directed to make, as the attorney-general had no right to draw any fees from the treasury. But if fees were allowed him in all cases in which the commonwealth had prevailed, even at the excessive rate at which some of them are stated in the auditor's communication of October 22, 1884—viz.: \$8 instead of \$2 50—even then the whole amount which he would have been entitled to draw would have been only \$1,716, (which would have included the \$572 of statement A,) and which, deducted from the gross amount overdrawn by him—viz.: \$5,984 87—would still leave due by him \$4,268 87. But there is nothing in the law, or any of the circumstances of the case, that justifies this view.

A fee of \$1,000 is allowed and paid to the attorney-general by the late Auditor Allen in the case of Wimbish vs. Townes' Executors, in Mecklenburg county. Your committee consider this payment to have been without authority of law. Section 25, chapter 40, of the Code of 1873, under which said auditor purports to make it, (as see page 10 of the printed communication of Auditor Marye of October 22, 1884,) allows the auditor to "appoint agents to superintend the collection of debts to or claims of the commonwealth"; but section 31 of the same chapter says that "For the service rendered by any agent, under the twenty-fifth or any subsequent section of this chapter, said auditor shall recommend such compensation as may seem to him reasonable, not exceeding in any case five per centum on the money actually paid into the treasury; and the governor shall authorize the payment, of what may be so recommended, or so much thereof as in his judgment may be proper." At the time this \$1,000 fee was allowed and paid, it appears from the statement of Auditor Marye, filed with his deposition, that only \$3,046 46 had been collected, and it does not appear, either from the records of the auditor's office or from the governor's testimony, that he ever ordered the payment of anything. If he had ordered its payment, it could not, under the statute, have been for a sum exceeding five per cent. on the amount at that time collected—viz.: \$3,046 46. Inasmuch, however, as the additional sum of \$4,468 59 has been lately collected in the case, and inasmuch as the governor and auditor could now allow the attorney-general five per cent. on the whole amount collected, your committee have credited him by \$375 75 (that being five per cent. on the whole amount), by way of resolving in his favor all doubts that could be suggested.

Your committee also call attention to the fact that \$1,271 25 of fees and expenses is paid the attorney-general for three trips to North Carolina, and excepting to a commissioner's report in the Roanoke navigation case, in which the state only realized \$3,832 10.

*Office Rent and Contingent and Traveling Expenses.*

There has annually been appropriated by the General Assembly for the present attorney-general since he has been in office, the sum of \$900 00, "for payment of rent of office and all contingent and traveling expenses in attending to his official duties," which sum is to be paid on accounts certified. It would appear that the act of 1877, forbidding him to receive any "fees, perquisites, or rewards whatever" in addition to his salary, by implication, repealed section 16, chapter 13 of the Code of 1873, so far as it allowed him mileage, and that said section had never been re-enacted; and further, that if said section were still in force as to mileage, it only allowed him mileage for attending the sessions of the court of appeals, and not for attending other courts as has been charged and received by him. But, however, this may be, your committee are of opinion that the question is controlled by the appropriation bills, which have given him \$900 per annum to cover office rent and *all* contingent and *traveling* expenses, which is to be paid out on accounts certified by him. He has no right to exceed for office rent, contingent expenses and traveling expenses, either in mileage or otherwise, his annual appropriation. Yet, the statements hereinbefore made and referred to, show that in the year 1882, he drew from the treasury \$2,368 01 on account of these expenses and office rent.

Some of the items of these expenses your committee think the subject of just criticism, as for instance, \$102 00 for American Cyclopædia, \$4 50 for same, Allibone's quotations \$4 00, Virgil 60 cts., \$20 00 for 4 years' subscription to Virginia Law Journal, paid in 1882, and \$5 00 for one year's subscription to same for 1884, making 5 years' subscription paid in the three years or less that he has held office, two of them being presumably for subscriptions due by him before he came into office. He also charges, May 17, 1883, \$16 00 mileage from Richmond to Charlottesville and return, in the cases of Ficklen and others *vs.* Farish, treasurer, in Albemarle circuit court, which sum he takes as attorney-general out of his contingent fund, while on the 22d May, 1883, he collects through the governor's order, a fee of \$250 00 in those cases, which he charges as an individual, and not as an officer, because those cases were outside of his official duties, and he would have had no right to have charged a fee for them as an officer. Thus in the same case, appearing as an officer for the purpose of drawing traveling expenses he was not entitled to as an individual, and as an individual for the purpose of drawing a fee he was not entitled to as an officer. His hotel bill, &c., in these cases are charged in the same way as his mileage. On March 23, 1882, he charges (in addition to mileage of \$24 00), the sum of \$7 50 for expenses on railroad, and \$7 50 expenses at hotel, making a trip to Washington and return cost \$39 80. The committee only mentions these instances as showing the manner and rate of the attorney-general's charges. They refer to table X for full statement of details.

Your committee also think proper to call attention to the fact that the attorney-general has drawn from the treasury \$202 00, (that being \$271 25 less \$69 25 allowed by the governor), for his expenses in the Roanoke Navigation case without authority of law, inasmuch as the act of February 9, 1882, authorizing such

expenses, directs that the same shall be approved by the governor before they shall be paid, and no such approval appears to have been given as to this sum.

The attorney-general caused to be copied from the auditor's office, a statement showing that the late Attorney-General Field, after his term of office had expired, had drawn fees similar to those drawn by the present attorney-general, to the amount of \$1,498. This appears to have been done after the present attorney-general had written to Mr. Field, informing him that the late Auditor Allen was paying him (the present attorney-general) such fees. It does not appear how much of this sum Mr. Field might have been entitled to draw under the construction hereinbefore given by the committee to Thon's case. Your committee cannot, however, undertake to report upon the fees alleged to have been so received by the late attorney-general as the matter was not referred to them.

The testimony of sundry witnesses, including that of the governor and attorney-general, is herewith returned as set forth in the notes of the stenographer, which also show the proceedings of your committee from day to day. The attorney-general caused to be summoned, S. Brown Allen as a witness on his behalf, who failed to respond to a summons by telegraph, and when the sergeant-at-arms was sent for him, was reported as not being in the state. The attorney-general, however, stated that he did not consider his testimony as essential, as it was supplied by another witness, Mr. Ward. The testimony of these witnesses, however, is not regarded as having any very material bearing, the facts relied on being those shown by the records of the auditor's office.

Respectfully submitted,

JOHN B. MOON, *Chairman.*  
R. T. BARTON.

NOVEMBER 18, 1884.

## EXHIBITS.

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COMMONWEALTH OF VIRGINIA,  
OFFICE OF THE AUDITOR OF PUBLIC ACCOUNTS,  
RICHMOND, November 17, 1884.

It appears from the records of my office, that in 49 cases mentioned in my report of October 22, 1884, payments have been made on account of motions and suits, the amounts in each case more than sufficient to cover the fees of the attorney-general, which were paid at the treasury. A list of said cases is herewith filed marked A.

The amounts paid by the Roanoke Navigation company, September 30, 1882, \$8,882 00.

The amounts paid in the Wimbish (of Mecklenburg) cases, are as follows: 1882, December 22, \$8,046 46; 1884, October 24, \$4,468 59.

MORTON MARYE,  
*Auditor of Public Accounts.*

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### LIST A.

Commonwealth vs. Davis,	Fee.....	\$20 00
Hopkins,	" .....	20 00
Powell,	" .....	20 00
Maltby,	" .....	20 00
Boggs,	" .....	20 00
Twister,	" .....	20 00
Chandler,	" .....	20 00
Johnson,	" .....	20 00
McCandlish,	" .....	20 00
McDaniel,	" .....	20 00
Taliaferro,	" .....	20 00
Stone,	" .....	20 00
Luster,	" .....	20 00
Wilson,	" .....	20 00
Price,	" .....	20 00
Kasey,	" .....	8 00
Deaking,	" .....	8 00

Commonwealth vs. Wimbish, 7 cases at \$8.....	56 00
Goode, 7 " " .....	56 00
Chichester, 8 " " .....	24 00
Riley, 8 " " .....	24 00
Heitt, 8 " " .....	24 00
Clarke, 8 " " .....	24 00
Walker, 2 " " .....	16 00
Cleak, 4 " " .....	82 00
49 cases.....	<u>\$572 00</u>

## TABLE X.

1882.

Salary..... \$2,500 00

*Fees.*

July	5. Fee allowed by governor in Roanoke navigation company case, on February 9, 1883.....	500 00
October	4. Further fee in same matter.....	500 00
Dec'r	22. Fee allowed by auditor for having judgments audited in Mecklenburg circuit court (Townes).....	1,000 00
		<u>\$4,500 00</u>

*Mileage.*

Jan'y	30. Wytheville to Richmond, (to take his office).....	25 70
	Richmond to Washington and return.....	23 40
March	28. Richmond to Washington and return.....	24 80
June	7. Richmond to Staunton and return.....	24 20
July	8. Richmond to Washington and return.....	24 40
	Richmond to Wytheville.....	51 40
	22. Wytheville to Richmond.....	25 70
	Richmond to Washington and return.....	24 40
	29. Richmond to Norfolk and return.....	23 20
August	5. Richmond to Wytheville and return.....	51 40
	14. Wytheville to Charlottesville and return.....	46 40
	18. Wytheville to Norfolk and return.....	68 00
	31. Wytheville to Charlottesville and return.....	39 20
Sept.	8. Richmond to Portsmouth and return.....	23 20
	12. Richmond to Staunton and return....	24 20
	14. Wytheville and return.....	51 40
	15. Richmond to Staunton and return.....	24 20
	21. Richmond to Staunton and return.....	24 20

Oct'r	18.	Richmond to Norfolk and return.....	28 20
	18.	Richmond to Washington and return.....	24 00
October	28.	Richmond to Washington and return.....	24 00
Total mileage.....			<u>\$670 60</u>

*Expenses.*

October	4.	Roanoke Nav. Co. } Total expenses.. \$271 27	{	69 25
		Fee ..... 1,000 00		
		1,271 25		
Novem.	2.	" " " } Amount realized..... \$3,882 10	{	50 00
	2.	" " " }		112 00
Septem.	21.	Item \$112 00 described as " Expenses, fees and costs."		50 00
January	30.	Expenses to Washington.....		15 00
		Stationery and postage.....		4 00
March	1.	Geo. W. Anderson's bill (for what?).....		83 65
		Randolph & English (for what?).....		4 85
		Office rent.....		36 50
		Belvin's bill (for what?).....		22 00
		Postage.....		4 00
		Servant's hire.....		10 00
March	23.	Expenses to Washington on railroad (?).....		7 50
		Expenses at hotel.....		7 50
April	5.	Office rent and servant's attendance.....		23 75
		Postage.....		10 00
		Randolph & English, books and stationery.....		128 45
		Law books.....		102 50
	17.	Furniture.....		25 00
		Books.....		10 00
May	30.	" Rent, blank books, furniture, inks, postage, servant's hire".....		118 50
June	2.	Book case.....		25 00
		Randolph & English bill (for what?).....		28 75
		Rent.....		18 75
		Servant's hire.....		5 00
June	7.	Expenses to Staunton, hotel.....		6 50
	24.	Expenses to Albemarle county and associate's fees in Levy's case.....		100 00
July	8.	Expenses to Washington, hotel.....		11 00
	22.	Office rent.....		18 75
		Belvin's bill (for what?).....		10 00
		Printing brief.....		3 20
		W. G. St. Clare (for what?).....		2 50
		Ice company bill.....		1 15
		Stamps .....		20 00
August	1.	Telegrams .....		4 80
	14.	Expenses Wytheville to Charlottesville.....		15 50
		Same .....		18 00
		Expenses in Southern Fertilizer case.....		16 50

August	20.	Pay of associate in Supreme Court of United States.....	75 00
	24.	Randolph & English, for books and stationery (Law Journal four years).....	127 65
	31.	Servant's hire.....	5 00
		Stamps.....	15 00
Sept'r	8.	Expenses Richmond to Portsmouth.....	10 00
		Expenses Richmond to Staunton.....	15 00
		Expenses preparing briefs.....	8 50
		Expenses en route and at hotel.....	13 50
		Expenses to Staunton.....	10 00
		Expenses to Norfolk.....	12 25
		Expenses to Washington.....	8 50
		Clarksville Advance for notice.....	10 00
		Clemens & St. Clair for brief.....	13 75
Oct'r	2.	Furniture.....	1 45
	28.	Paid H. W. Garnett in <i>Antoni v. Greenhow</i> .....	25 00
		Paid clerk U. S. court.....	10 00
		Hotel bill and expenses at Washington.....	22 00
		Bills to others than attorney-general, (auditor's report, page 56,).....	115 48
Total expenses.....			<u>\$1,697 41</u>

## 1883.

Salary.....	\$2,500 00
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*Fees.*

March	15.	Twenty-eight fees.....	560 00
April	18.	Forty fees.....	448 00
	30.	Two fees.....	40 00
May	12.	Twelve fees.....	285 00
	17.	Eight fees.....	125 00
	22.	Twenty-two fees—specific fee in <i>Ficklen, &amp;c. v. Farish</i> , treasurer.....	250 00
June	14.	Three fees.....	24 00
Sept'r	14.	Five fees.....	100 00
Novem.	16.	Five fees.....	100 00
	17.	Thirty fees.....	240 00
	28.	Five fees.....	540 00
			<u>\$2,757 00</u>

*Mileage.*

Jan'y	10.	Richmond to Washington and return. ....	\$24 20
	26.	Richmond to Washington and return.....	24 20
May	8.	Richmond to Harrisonburg and return.....	26 00
		Richmond to Lynchburg and return.....	24 00
	17.	Richmond to Charlottesville.....	16 00
October	1.	Richmond to Staunton.....	24 00
			<u>\$188 60</u>

*Expenses.*

Jan'y	10.	Hotel bill at Washington.....	\$18 25
		Expenses on railroad, &c.....	12 50
		Telegrams .....	1 50
		Books .....	13 75
	26.	Hotel bill in Washington.....	21 75
		Printing, &c.....	4 50
		Telegrams.....	1 80
Feb'y	10.	Stamps.....	18 00
		Stationery.....	20 00
		Servant's hire.....	10 00
	23.	Servant's hire.....	5 00
		Blank books.....	6 75
		Stationery.....	8 00
		Stamps .....	3 00
March	18.	Copy records and telegrams.....	28 50
May	8.	Bill at Staunton, Harrisonburg, &c.....	8 50
		Books.....	10 00
	17.	Hotel bill, Charlottesville.....	2 50
		Telegrams .....	1 00
		Stamps.....	20 00
		Books.....	27 50
		Servant's hire.....	15 00
October	1.	Hotel bill at Staunton.....	26 00
		Expenses en route.....	5 00
		Bills paid to others—auditor's rep., p. 60.....	419 46
Total expenses.....			<u>\$698 26</u>

## 1884—TO OCTOBER 1ST.

Salary for nine months..... \$1,875 00

*Fees.*

January	7.	Eleven fees.....	220 00
March	21.	Two fees.....	16 00
	27.	One fee.....	20 00
April	9.	Twenty-seven fees .....	216 00
	11.	One fee.....	20 00
	25.	One fee. ....	20 00
		Three fees.....	24 00
	26.	Two fees.....	23 00
May	2.	One fee—P. 58.....	15 00
	12.	Four fees.....	80 00
		Two fees.....	40 00

May	27.	One fee.....	60 00
		One fee.....	20 00
	28.	Eighty-five fees.....	744 00
Total fees for 1884—to October 1.....			<u>\$1,518 00</u>

*Mileage.*

Feb'y	8.	To Alexandria and return.....	28 00
May	8.	" Harrisonburg and return.....	82 40
	28.	" Baltimore and return.....	32 60
Jan'y	18.	" Norfolk and return.....	28 20
		" Alexandria and return.....	23 00
March	1.	" Washington and return.....	24 00
Sept'r	10.	" Staunton and return.....	24 20
	16.	" Staunton and return.....	24 20
	24.	" Washington and return.....	24 20
			<u>\$280 80</u>

*Expenses.*

Feb'y	8.	Hotel bill at Alexandria.....	6 00
May	8.	Hotel bill at Harrisonburg.....	4 00
		Paid for copies.....	2 25
		" telegram.....	8 15
		" express.....	8 25
		" copies.....	2 25
		" hotel bill at Washington.....	6 25
		" copies.....	5 00
March	21.	" iron safe.....	125 00
	1.	" hotel bill at Washington.....	6 00
		" stamps.....	10 00
April	8.	" map.....	2 00
		" furniture.....	18 00
		" books.....	10 00
		" telegrams.....	8 25
May	24.	" books.....	102 00
Sept'r	10.	" hotel bill at Staunton.....	6 50
Sept'r	16.	Expenses at Staunton.....	1 00
	24.	Hotel bill at Washington.....	2 00
		Bills paid to others—(see auditor's report, page 65,).....	133 15
Total expenses for 1884, to October 1st.....			<u>\$456 05</u>

## MINORITY REPORT.

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*To the Honorable House of Delegates of Virginia:*

The undersigned, who, with Messrs. Barton and Moon, was appointed a committee under the resolution of the House of Delegates, agreed to on November 11, 1884, in the following words:

*"Resolved, That a special committee of three be instructed to ascertain and report what sums, if any, have been drawn from the treasury by Attorney-General F. S. Blair, other than his salary by law, and under and by what authority such sums were so drawn. Said committee may sit during the sessions of the House, and shall report as soon as practicable, and shall have power to send for persons and papers"—*

Cannot agree to the majority report made by Messrs. Barton and Moon.

This committee has sat on an average twice a day for four days, and has examined into all the fees received by Attorney-General F. S. Blair since the first day of January, 1882, when he went into office, down to the first day of October, 1884, and they found that he had been paid the following fees—viz.: One fee of one thousand dollars in what is known as the Roanoke navigation company case. This fee was paid to him by the auditor of public accounts on the fifth of July, 1882, upon a written order of Governor William E. Cameron.

Governor Cameron's authority for ordering the payment of the same is under a joint resolution found on page 80, Acts 1881-2, where the General Assembly of Virginia, instructed the attorney-general to institute such proceedings as might be necessary to ascertain and recover all of the interest of the state of Virginia, in what is known as the Roanoke Navigation company, which was mainly situated in the state of North Carolina, and which joint resolution in express words, gave the governor the power to pay said attorney-general such fees as in the opinion of the governor, he might think proper.

The services of the attorney-general in this case, were performed in the courts of the state of North Carolina, at great expense and labor to himself and his assistant, Mr. Robert D. Ward, and the result of the labor of the attorney-general, was to recover for the state of Virginia, a large sum of money from an old navigation company that had long been neglected, and which sum of money due the state of Virginia, had been entirely overlooked for many years.

Second. The next fee complained of was a fee of one thousand dollars paid the attorney-general by the auditor on the 22d December, 1882, in what are

known as the Mecklenburg cases. The proof shows that the governor and the auditor employed the attorney-general to take such steps in the courts of Mecklenburg county, that might be necessary to enforce judgements due the state, to the amount of over twenty-eight thousand dollars.

The Acts of 1877-78, point out the very courts in which the attorney-general shall be required to appear for the state, which are as follows:

1. The supreme court of the state;
2. The supreme court of the United States;
3. The district and circuit courts of the United States for the state of Virginia; and
4. The circuit court of the city of Richmond.

See section 2, page 174, Acts 1877-78.

The attorney-general is required by this law to appear as counsel for the state in all cases in these courts, and no other courts.

The Mecklenburg court was not a court in which he was officially required to appear for the state in any case of any kind, and the governor and the auditor together, employed the attorney-general to protect the state's interest in some large judgments due to her, and the attorney-general succeeded in recovering for the state large sums of money therefrom.

Third. The next fee complained of was one of two hundred and fifty dollars paid to the attorney-general by the auditor, upon the order of the governor, for services rendered in 22 cases in the circuit court of Albemarle county, another court in which the attorney-general was not officially required to represent the state.

All of these 22 cases were won for the state, and large sums of money saved to her thereby.

The fees paid him were about ten dollars in each case, which are smaller fees than attorneys usually charge in the country in similar cases.

And the governor was requested by the commonwealth's attorney of Albemarle to send the attorney-general there to manage the said cases.

Fourth. The other fees complained of are the fees taxed by the clerks of the courts in favor of the attorney-general, in cases where he appeared for the commonwealth in his official capacity.

These fees were certified by the clerks of the court of appeals of Richmond, Staunton, and Wytheville, and by the clerk of the circuit court of the city of Richmond, and the clerks of the supreme, circuit, and district courts of the United States, and these certificates stated the number of cases in which the attorney-general had appeared and the amount of fees that he was entitled to, and upon such certificates the auditor of public accounts issued his warrants upon the treasurer in favor of the attorney-general.

It was proven before the committee that this had been the practice and custom of the auditor's office, and that it was no new departure from law on the part of Attorney-General Blair. This was proven by Mr. Wm. R. Smith, an experienced clerk in the auditor's office, who has served there during the administrations of Auditors Bennett, Taylor, Massey, Allen, and is now a clerk in the office of Auditor Marye.

It was also proven by Mr. G. Keith Taylor, the present clerk of the court of

appeals of Richmond, and who was at one time deputy clerk of the circuit court of the city of Richmond.

It is established by the evidence, that during the whole of the year 1882, and not until in March, 1883, did Attorney-General Blair receive any legal fees taxed in the costs and certified by the clerks as above described, but that on the 15th of March, 1883, the court of appeals of the state in the case of *Thon vs. The Commonwealth* construed the acts of the legislature regulating the fees of the attorney-general, and that, after discussing other features of that law in regard to the recovery by the side substantially prevailing, declared that the laws requiring fees to be taxed for the commonwealth in any case in which the attorney-general appears for the state, have never been repealed or amended, and that they are now in force.

It was proven that not until after this decision by the court of appeals was it that Attorney-General Blair drew one cent of commonwealth fees; but after that decision, the clerks of the court of appeals and of the city circuit court construed this law to give the attorney-general the legal fee taxed in the costs. They made out lists of cases in which he had appeared for the commonwealth, and the amount of said fees, and certified them to the auditor of public accounts, to be due to the attorney-general, and upon those certificates they were paid by the auditor.

It was proven by both Mr. Taylor, the clerk of the court of appeals, and by the clerks in the auditor's office, that Attorney-General Field, the immediate predecessor of Attorney-General Blair, placed the same construction upon the law in regard to fees due the attorney-general after the decision in *Thon's* case, and that Attorney-General Field, under the authority of that decision, drew from the treasury of the state, upon the certificates of the clerks, the following sums of money as fees due the attorney-general, taxed in the costs:

1. He drew \$1,120, being 56 commonwealth cases at \$20 each, on the 11th of April, 1883, on the certificates of G. K. Taylor, clerk of court of appeals, Richmond.

2. He drew \$60 on the 20th of April, 1883, on the certificate of Mr. Dorman, clerk of court of appeals, Staunton.

3. He drew \$180 on the 4th May, 1883, on the certificate of Mr. Pendleton, clerk of court of appeals, Wytheville.

4. On the 11th of April, 1883, he drew \$138 upon the certificate of Mr. Alfred Shields, clerk of the circuit court of the city of Richmond, making a total of \$1,498 drawn by him from the treasury, upon the certificates of the clerks for legal fees taxed in costs, so that it is clearly proven that the former attorney-general, who is highly respected throughout the entire state, and for whose legal opinion, the public have great respect, drew the same fees and on the same kind of certificates from the auditor, as is complained of against Attorney-General Blair in this matter.

It seems that the Code of 1873, sections 2 and 5, chapter 161, allowed fees to the attorney-general in the courts in which he appeared for the commonwealth, and that the language is as follows: "On the final determination of any cause in any court mentioned in the second section in which the attorney-general appeared for the state, the clerk thereof shall certify to the auditor of public

accounts the fee of the attorney-general, which shall be paid out of the public treasury. His fees in a circuit court, on appeal from a decision of the auditor, shall be the same as are taxable in the general court.'

This law underwent amendment and modification by the Acts of 1876-7 and 1877-8, so that it became a matter of construction of statutes as to whether the attorney-general was entitled to the legal fees taxed in the costs. The result of this investigation shows that by the Code of 1873, the salary of the attorney-general was two thousand dollars, and the legal fees taxed in the costs; that Acts of 1876-7, page 354, increased the salary of the attorney-general to three thousand five hundred dollars, and prohibited the payment to him of any fees, perquisites, or rewards in addition to his salary, but that this act was amended by Acts of 1877-8, page 174, and the salary reduced down to two thousand five hundred dollars, and the provision that no fees, perquisites, or rewards should be allowed, was entirely omitted, and by the second section of that act the substance of both sections 2 and 5 of chapter 161, Code 1873, are embraced, and hence, under this last act and the decision in Thon's case construing them, Attorney-General Field, Attorney-General Blair, the auditor's office, and the clerks of the different courts in which the attorney-general appeared for the state, construed the law so as to entitle the attorney-general to the legal fees taxed in the costs.

There can be no possible legal or moral wrong in the acceptance of such fees by either Attorney-General Field or Attorney-General Blair, as they accepted them under a claim of right, and under the construction placed on statutes by the officers of the courts, the auditor's office, and the treasurer's office of the state.

If there be either moral or legal blame attaching to Attorney-General Field or Blair for the acceptance of such fees, the same blame must attach to the clerks of the courts, who certified their fees, to the auditor, who audited the same, and gave his warrant on the treasurer for the payment of the same; but I think there was no blame attaching to either of them, and that they all acted conscientiously and honestly in what they believed to be the discharge of their official duties.

It is also complained that the \$900 appropriated to the attorney-general's office for contingent expenses, was exhausted in 1882 and 1883, and expenses in excess thereof incurred to about \$1,300, the first year, and a less sum the second year.

The evidence before the committee shows that the amount of commonwealth business transacted by Attorney-General Blair during the years 1882-3, was unprecedented in the administrations of any of his predecessors. The new legislation of 1881-2, in relation to the public debt of the state, created an amount of litigation by the coupon holders that crowded the dockets of the courts, both federal and state, and required an unusual amount of expense on the part of the attorney-general, in his frequent attendance on the courts, the purchase of books, and other necessary outlay for his office. Proper vouchers were filed with the auditor for such outlays.

The testimony of Robert D. Ward, Esq., an old and well-known citizen of Richmond city, is worthy of much consideration. He testifies that he has been

secretary or clerk in the offices of Attorney-General James C. Taylor, Attorney-General Field, and has been with Attorney-General Blair since 1st January, 1882; that when Attorney-General Blair assumed the duties of his office he was compelled both to rent and furnish the office complete; that there was no furniture therein, and but very few law books of any kind; that the traveling by Attorney-General Blair to the different courts was almost constant; that he represented the commonwealth in more cases in courts than any attorney-general since 1865; and hence the expense of his office has been sometimes larger than his appropriation, which was only \$900 per annum, but that he did not know of a single unnecessary expenditure by Attorney-General Blair in the management of his official affairs since 1st January, 1882.

Secretary Ward further showed by a card that he produced, issued by Attorney-General Field, that he recognized sections 1, 2 and 3 of chapter 161, Code 1873, page 1074, as prescribing the duties of the attorney-general, which sustains the construction placed on those duties by Attorney-General Blair. Mr. Ward stated that it was his habit, at the end of each court in Richmond, for him to go to the clerk and get certificates of the number of cases and fees that the attorney-general had appeared in and was entitled to, and that those certificates of the court were presented to the auditor by him and the money drawn for the attorney-general, and that he felt sure that no fee had ever been drawn by Attorney-General Blair that he was not entitled to under the law; that he knew that the governor had authorized Attorney-General Blair to take charge of the Mecklenburg cases, and had approved and ratified the fee paid to him in that case because he heard the governor say so.

Governor Cameron was also examined and said the auditor had called his attention to the Mecklenburg claim as one that was due the state, and he had authorized the auditor and Attorney-General Blair to take such steps in and do such things as were necessary to recover the claim, and that the auditor was fully authorized to pay Attorney-General Blair his fee in the case; that he knew the services were rendered in a court where the attorney-general was not required to practice, and he deemed the fee reasonable in consideration of the amount in controversy, and if he had not ratified it at the time, he would, if it had been presented to him; but he considered that the auditor had full authority already in this matter.

The undersigned is not a lawyer, and of course cannot say what is the law on the subject of the fees due the attorney-generals of Virginia, but he gives the foregoing and the following facts and law that were produced and proven before the committee.

Another subject of complaint before the committee, is that Attorney-General Blair, permitted judgments to go against the commonwealth, in a large number of coupon cases in the circuit court of the city of Richmond, that he should have defended, and that he drew fees therein. The testimony of Col. Richard L. Maury, who was the attorney for the plaintiffs in the said coupon cases complained of, is the most perfect vindication of Attorney-General Blair from any possible blame in those cases.

Colonel Richard L. Maury is the son of the late distinguished Commodore Matthew F. Maury, and is a prominent and distinguished lawyer of the city of Richmond, and who declared before the committee that he had no other rela-

tions with Attorney-General Blair, except such as arose by meeting him at the bar, and he says that in his opinion, both as a citizen and as a lawyer, he considered that very great advantage inured to the commonwealth from the management of those cases by Attorney-General Blair; that Attorney General Blair had kept him and his associate, Judge Crump, from obtaining judgment in coupon cases for upwards of twelve months, and that in order to avoid all further difficulties, he, Colonel Maury, called on Attorney-General Blair, and made an offer of compromise of the cases complained of that were pending in the circuit court of the city of Richmond; that Attorney-General Blair declined any compromise, and referred him to the auditor for any settlement of them. Colonel Maury called on the auditor, submitted his proposition to him, and it was accepted, and the attorney-general carried out the arrangement by letting judgment go for the plaintiff; that a short time after that, he proposed to the attorney-general to extend the agreement to another list of coupon cases pending in the same court; that the attorney-general said he saw no objection to it, and that he, Colonel Maury, and the attorney-general went to the court-room, stated the settlement of the cases to Judge Wellford, the presiding judge, and fully explained the arrangement to him, and that Judge Wellford approved of the arrangement, and said he thought that it was wise for the attorney-general to make the arrangement in those cases and in all others of a similar character.

The advantage to the commonwealth is shown by Colonel Maury, where he says that outstanding tax-receivable six per cent. coupons of the state were converted into what are known as Riddleberger three per cent. bonds. He says in his statement, by the arrangement made between Attorney-General Blair and himself in said cases, the commonwealth, in paying a given amount of coupons, (say one thousand dollars) not only took in and cancelled those coupons, but credited the principal of the bonds from which they were cut by  $73\frac{1}{2}$  per cent. of their amount—say seven hundred and thirty-five dollars; and also received without consideration a given number of bonds bearing either 6 per cent. or 3, 4, or 5 per cent., as the case might be, giving in exchange therefor bonds bearing only 3 per cent. interest for one thousand dollars or less amount.

Col. Maury testifies that so soon as Auditor Marye expressed any dissatisfaction with the arrangement, he and the attorney-general proceeded to the court room, and after calling the attention of the judge to the fact, that the auditor expressed some dissatisfaction with the arrangement of the extension of the agreement to certain other coupon cases, asked the court to set aside the judgments in those cases, where the judgments had not been paid. I entirely disagree with the other two members of the committee, in holding that Attorney-General Blair is in any wise culpable in the management of the said coupon cases, but agree with Col. Maury, that the arrangement was highly advantageous to the commonwealth, and as to the matter of fees certified in those cases, it is wholly immaterial whether the judgments were for or against the commonwealth, because as has already been seen, the attorney-general is entitled to his taxed fee in all cases where he appears for the state, on the final determination thereof, when the clerk certifies those fees to the auditor. Such is the account of fees certified in favor of Attorney-General Field, some of which were decided for, and some against the commonwealth. Inasmuch as the conduct of the attorney-general has been criticised by this investigation, the

undersigned deems it due to him as well as to your honorable body, to state that it appears in proof before this committee, that since his term of office began on the 1st of January, 1882, he has appeared for the commonwealth of the state, in the various courts, in nearly four hundred cases, among which the undersigned recognizes the case of *Gantt & Royal vs. Board of Public Works and Board of Education*, by which \$500,000 was saved to the state of Virginia, by the efforts of Attorney-General Blair, to say nothing of other cases of great importance, such as *Tinsley vs. The Commonwealth*, wherein he succeeded in the supreme court of the United States, in establishing the doctrine that negroes and whites cannot legally intermarry in Virginia; *Antoni vs. Greenhow* in the same court that affirmed the constitutionality of the debt settlement in Virginia, and others of the gravest importance to which reference could be made.

Because of the foregoing evidence and reasons, the undersigned respectfully reports that a resolution should be adopted that Attorney-General F. S. Blair has drawn from the treasury no sums of money other than his salary, except such as was allowed him by law and by proper authorities, and that this committee be now discharged from the further consideration of the matters embraced in the resolution of inquiry of November 11, 1884.

B. BISHOP.

## EVIDENCE.

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WEDNESDAY, NOVEMBER 12, 1884.

Committee present—Messrs. Moon chairman, Barton and Bishop.

Captain F. S. Blair testified as follows :

By Mr. Barton :

Ques. I find on page nine of the auditor's report that you were paid \$500 for services in the Roanoke navigation company, on the order of the governor, to receive the same July 5, 1882, and on page thirty-five, that on a like order of the governor you were paid \$500, which was received by you October 16, 1882, for services rendered in that case. I find also that the aggregate expenses of that matter, of \$271 25, and the whole amount realized, as appears on page thirty-five, was \$3,832, the fees being \$1,000 and expenses \$271 25. I will be glad if you will explain under what authority you received those fees, and what services were rendered for the amount?

Ans. They were rendered under authority of act of the legislature of 1881-2, that authorized the governor to instruct the attorney-general to proceed to North Carolina and to institute such proceedings as might be necessary to recover the state's interest in what is known as the Roanoke navigation company, a corporation that was partly situated in Virginia and partly in North Carolina, and that act authorized the governor to pay such fees as in his judgment were proper. I do not pretend to quote the exact language of the act, but it authorized the governor to pay such fees and expenses as in his discretion might be proper. I made three trips to North Carolina in this case, as I well remember. On one of these trips I took my secretary, Mr. Robert Ward, with me, and examined into the records, endorsed a number of exceptions to the report of commissioner, and took such steps as were necessary to recover the claim of the state. The amount recovered I have no knowledge of, as no money passes through my office. It was paid directly into the auditor's office by check of the receivers. So far as expenses were concerned, it was my habit to keep a statement of hotel bills, railroad fares, and such incidental expenses as I thought were legally chargeable, and on that status were the expenses referred to. The two fees of \$500 were received by me, as per my receipt, on order of the governor. That is as full as I can recollect.

**Ques.** When your attention was first called to these two charges of \$500 just now, were you not under the impression that it was a mistake, and that you had only received one fee of \$500, and did not you say that the second item of \$500 had not your receipt attached to it?

**Ans.** Yes, sir. The printed vouchers that you handed me, one of which I now hold in my hand, has no receipt attached to it. I told you that I had no definite recollection on the point, and we had Mr. Smith to look into the vouchers and produce them. But, as a matter of fact, on the printed paper you handed me, there is no receipt attached to the last \$500.

**Ques.** Your bill of expenses in this matter consisted of the following items: October 4, 1882, \$69 25; June 2, 1882, \$50; July 11, 1882, \$112; September 12, 1882, \$50—the item of \$112 being described as expenses, fees and costs. Will you explain how the expenses of three trips to North Carolina amounted to \$127 25?

**Ans.** As before stated, on one of the trips I carried Mr. Robert D. Ward, my clerk, with me from Richmond, paying all of his expenses. We were engaged in business some time, I do not remember how long, on that trip; but I remember that we were one night, perhaps two days. I had a number of vouchers, affidavits, and other matters to present before the commissioner. On another occasion I went alone to Halifax, N. C.; these expenses were for railroad fare, hotel bills, and for the fees of such notaries public and commissioners, as I found necessary. I think that is all on that point, sir.

By Mr. Moon:

**Ques.** Did you ever argue the case in court?

**Ans.** No, sir; it was not argued at all in the supreme court in Raleigh; I merely went there and saw that my petition had been filed and the debt of the state proved; there was really no contest there.

By Mr. Barton:

**Ques.** I understand you to say that there was no contest before the commissioner or court?

**Ans.** Yes, sir; there was a contest before the commissioner.

**Ques.** There was no argument of it?

**Ans.** No, sir; not before the supreme court; it was taken to the supreme court by some parties between whom there was a contest, but in the supreme court of North Carolina there was no contest.

**Ques.** What was the amount of the state's claim involved in this?

**Ans.** My recollection is that it was nominally about \$30,000; that is, she had \$30,000 worth of stock. I cannot remember the market value of the stock; it was a dead corporation that had been neglected for years, and I think I can say without vanity, that but for my own efforts the amount already recovered would never have been received by this state.

**Ques.** I find on page 9 of the auditor's report that upon your own statement you were allowed \$1,000 by Auditor Allen for having proved and allowed in chancery proceedings in the circuit court of Mecklenburg, judgments in favor of the state of \$28,371 97; and Mr. Allen states that he allowed you this compensation for services rendered under section 25, chapter 40 of the Code of

1873; will you please explain what right he had to allow you this fee under that section, and upon what provisions of the law?

Ans. This judgment of \$28,000 had been recovered in the circuit court of the city of Richmond against Townes' executors and the execution returned "no personal property fund." The attention of the governor was called to this fact, perhaps by the auditor; at any rate I was directed to take such steps in the circuit court of the county of Mecklenburg on behalf of the commonwealth as might be necessary to recover this judgment. The authority under which I acted was the authority of the governor and auditor, and the authority under which they acted, was that of the governor to see that the laws were enforced and the state's interests protected. Section 25, chapter 40, Code of 1873, referred to by the auditor, authorizes the auditor to employ an agent, (which I suppose also means an attorney,) to superintend the collection of claims due to the commonwealth; that is all, I think, sir, on that point.

Ques. By referring to section 31 of chapter 40 of the Code, you will see that it expressly declares that "for services rendered by an agent under the 25th section, and in the subsequent section of this chapter, the said auditor shall recommend such compensation as may seem to him to be reasonable, not exceeding in any case five per centum on the money actually paid into the treasury, and the governor shall authorize the payment of what may be so recommended, or of so much thereof as in his judgment may be proper." Will you state whether and if so, how much money had been actually paid into the treasury at the time this \$1,000 fee was paid you?

Ans. I could not tell, possibly for the reason before stated by me, that no money passes through my office. It is paid directly to the auditor, and I have no means of knowing except by the records of the auditor's office.

Ques. Your certificate on page 9 says, "of which a portion has now been collected and paid over to the commonwealth," and that certificate is dated December 2, 1882. Can you state what portion had then been paid?

Ans. I could not say, but that refreshes my memory, that the receiver in Mecklenburg county, had sent an amount to the treasury, and amount of which I do not know, and my assurances were, from what I had learned of the case, that perhaps the larger part of it would be collected after a time. I do not admit your proposition, that the section you refer to is the only authority of law that would authorize the governor or auditor to employ counsel to recover a debt due the commonwealth of this character.

Ques. In this matter you were expressly employed under section 25 of chapter 40 of the Code of 1873, according to the very certificate upon which you drew your pay, and if that was the case, was it at all lawful for you to draw any money except five per cent. upon the amount actually paid into the treasury?

Ans. This seems to have been a memorandum made by the auditor, showing under what provision of law he paid the money.

Ques. Will you be kind enough to point us to the provision of law which gives the governor or auditor the right to make this payment to you, or you had the right to charge it, if it is other than the section to which you referred?

Ans. I might refer to the constitution itself, that authorizes the governor to

see that the laws are enforced, and to protect the interests of the commonwealth.

**Ques.** Then according to that construction of the constitution, the governor might pay you any money he choses whenever he choses, without regard to appropriations of the legislature; would that not be the result of such a construction, and if so, what becomes of the express provision of law limiting the pay to five per cent. on the amount actually paid into the treasury?

**Ans.** The governor has an annual contingent appropriation, I believe the last one was \$20,000, and it is left largely to his discretion how he shall manage that fund, and there is no law to my knowledge that requires an appropriation to be made for each item of such expenses, as he in his discretion may seem fit to incur.

**Ques.** Do not the proofs in this matter distinctly show that the governor did not pay this money out of the contingent fund, but that it was in fact paid directly by the auditor through a warrant on the treasurer; in other words, the governor's name is not attached in any way or sense to this payment nor is he connected with it so far as the proofs show?

**Ans.** From this printed record handed me, the governor's name seems not to be attached, but I know as a matter of fact that he was not only consulted about it, but approved it, and it was paid.

**Ques.** I do not question that, but what I called your attention to was this, that this money was not paid as you assume under the constitution out of the governor's contingent fund, but was paid by a warrant on the treasury from funds other than the governor's contingent fund?

**Ans.** It was paid out of the civil prosecution fund, that is set apart as the expenses of civil suits in which the commonwealth is interested. I was paid in the manner and under the circumstances which I have named by the authority of what the auditor deemed was conferred on him, and approved by the governor. The record, of course, speaks for itself.

**By Mr. Moon:**

**Ques.** In answering the first questions asked you, in reference to the Mecklenburg case, you stated that the money could not be made out of the personal property of the debtor; is it not a fact that real estate as well as personal property is sold under execution in favor of the commonwealth?

**Ans.** That is certainly true, and is often done, and both real and personal property of a treasurer and their sureties are sold under a commonwealth's execution, but in this case such a procedure would have been impossible, because there were chancery suits pending in the circuit court of Mecklenburg county by various lien creditors of the decedent, and no man under these circumstances would buy real estate under an execution of sale until the orders of liens had been established by some court, and therefore, we concluded that it was wiser to let the commonwealth become party to suits in Mecklenburg, prove her claims there, have them decreed and then proceed to sell the property.

By Mr. Barton :

Ques. When the commonwealth became a party to the suit in Mecklenburg, could it not have been removed to the circuit court of the city of Richmond, and so saved the payment of any fees except the regular salary of the attorney-general?

Ans. I think not ; I think the jurisdiction having once attached to the Mecklenburg court in the cases named, that the circuit judge might have claimed the right to retain the cases there where all the land and parties were except the commonwealth. Of course this was a legal question that must have been settled by the court, and which might have brought on great confusion and greater expense. I could give an instance, if you desire it, where one court did refuse. In the Petersburg case, the corporation judge did refuse to remand the case to Judge Wellford's court.

Ques. In reference to the Petersburg case, is it not a fact, that the court refused to remove the case to the circuit court of this city because the commonwealth's attorney did not make the motion in time, and the commonwealth had proved her claim and acquiesced in the commissioner's report, and afterwards asked to have it removed?

Ans. I did not so understand the decision of that judge, and I do not know that the decision of the court was based exclusively on the fact that the commonwealth was too late, but that it was a mere contest between jurisdiction, as would have been in the Mecklenburg cases. I know that the present auditor has accepted process in the circuit court of Giles county in cases of claims against the treasurer and her securities, and that I, after I had been informed that such had been done, have asked the court to remand the cases to the circuit court of the city of Richmond, and that my application was refused. I merely refer to this to show that such has been the custom in this office, and the usual construction placed upon the law.

Ques. You speak of the civil-prosecution fund; by whom is that fund set apart and who has control of it?

Ans. That fund is made, of course, by the General Assembly—that appropriation, I should have said; but it is controlled by the auditor.

Ques. Captain Blair, the aggregate amounts paid you for mileage, in the year 1882, is the sum of \$704. I find, by section 16 of chapter 13 of the Code, that your mileage shall be the same as that allowed judges of the court of appeals whilst traveling to and from said court, and that this mileage must be paid you upon certificate of honor that the same was incurred whilst traveling on business for the state. Your first mileage was charged for traveling from Wytheville to Richmond to assume the duties of your office. Do you regard that as coming within the meaning of the law?

Ans. This did not refer to the matter of merely being installed into office of attorney-general, because I was installed the 1st January, 1882, and that day opened my office. This evidently refers to some business call that was made on me while at Wytheville. Shortly after the 1st of January, 1882, I went to Staunton and examined the docket of the court there, and so at Wytheville, and examined it there, to see what cases were pending that would need immediate attention. I am sure that that item of mileage, in going to Richmond

from Wytheville, was when I was in the discharge of that duty. I was returning to Richmond to enter, as stated, upon the duties here, but not to enter upon my duties, as in the first instance would seem to be intimated by the question.

Ques. Can you be regarded as entering upon the discharge of the duties of your office more than once. When you entered the office you were in the discharge of the duties of the office to that time, and can the English language be construed to mean anything else than that this charge was made by you, of mileage from Wytheville to Richmond, to enter upon the discharge of the duties for the state?

Ans. The very date precluded that construction, because I had already entered upon the discharge of my duties on the 1st of January; and as to the mileage, that is such as is allowed by the Code to the attorney-general, and the distance is also tabulated in the Code.

By Mr. Moon :

Ques. Was that trip you spoke of made on the 30th of January?

Ans. I suppose so, sir. I do not know whether it was or not. I think certainly on the 28th of January.

By Mr. Barton :

Ques. Was not that charge, and also the charge made under it of \$23 40 mileage to Washington from Richmond, for traveling done prior to the date of payment, and has the date anything to do with it. As a matter of fact, is not this charge for traveling done prior to this date of the 30th. Would it necessarily be so for you to charge it, as they could not have existed on the same day?

Ans. They certainly could not have so been, because I had not been to Washington from Richmond until some time late during the month of January, 1882, and while they may have been within a few days of each other, as was often the case, I feel sure that they were not for mileage when I first came to enter upon the discharge of the duties of the office. As before stated, I visited the several courts in order to familiarize myself with their dockets. On this occasion I went to Washington to see if any Virginia cases were there on the docket and to take such steps as might be necessary therein.

Ques. The aggregate expenses of yourself and relating to your office for the year 1882, amounts to the sum of \$1,743 37, and among them I find such items as these: Hotel expenses at Washington, \$15, January 30, 1882; March 23, 1882, on railroad \$7 50, at hotel \$7 50; June 7, 1882, hotel expenses at Staunton, \$6 50; July 8, 1882, from Wytheville to Charlottesville, \$15 50; same expenses to and at Norfolk, \$68; same again, \$18; expenses in Southern Fertilizer case, \$16 50; September 8, expenses, Richmond to Portsmouth, \$10; same to Staunton, \$15; September 15, en route and at hotel \$13 50; expenses at Staunton, September 21, \$10; at Norfolk, October 13, \$12 50; at Washington, \$8 50; at Washington again, October 23, 1882, \$22; and on each one of these trips you have charged mileage going and coming at the rate of ten cents per mile. Will you please point me to any provision of the law by which you have the right to charge your hotel bills, and expenses on railroad, and incidental expenses in addition to mileage?

Ans. Yes, sir, I will. The General Assembly expressly provides to the attorney-general's office, \$900 a year, not for mileage alone, but for the payment of rent of office, and all contingent and traveling expenses in attending to his official duties, and I regard the hotel bills as completely within the expenses of the attorney-general as his mileage; for otherwise he might attend court that was only ten miles off, and according to the construction embraced in the question, the attorney-general would only receive ten times that, which would be only two dollars, although the duties of his office in court, might have detained him at that court for a week, and he might be required to pay \$2 per day for his hotel bill. In the foregoing question you have enumerated the various trips that were made for which mileage was charged. By close investigation of those vouchers, you will find that the courts were mentioned in which some of the very cases pended, for which these official visits were made; as for instance at Portsmouth, to attend to the school case, which was a conflict between the superintendent of the county and the state board of education. At Norfolk to attend to a case known as the vessel "Grace" that had been seized, and which was tried before the Hon. Robert W. Hughes. So at Norfolk and again at Wytheville, the names of cases are mentioned, and the official business for which the attorney-general went. The legislature of 1881-2, passed a series of new laws affecting the public debt of the state, the public free schools, and divers other objects that imposed the most extraordinary work upon her law officers that has ever been known in this state, as admitted to me by all with whom I have ever spoken. I have frequently left Richmond to go to Staunton, to present a petition for writ or supersedeas in behalf of the commonwealth, and I would scarcely have reached the city before a telegram from either the governor, board of public works, board of sinking fund commissioners, or some other department, would wire me to return to Richmond at once on important business, and I would return and find that some of these officials or departments had some question touching their duties to propound to me, and in this way during nearly the whole of the year 1882 and 1883, I was carried from one point of the commonwealth of Virginia to the other, in trying to stop proceedings that had been brought about by the new legislation of 1881-2. In the Washington city cases there referred to, I have frequently been kept there at the hotel four and five days at the time by Mr. William L. Royall and others, who had their important cases. At first they would move to advance their cases on the docket, and that would carry me to Washington to represent the commonwealth. If the court advanced the case, it was fixed for another day, and that would require another trip, and so I might go all the way through the different appellate courts, both state and federal, where the business of the commonwealth was brought.

Ques. Is not your mileage allowed only under that section of the Code which declares that it shall be the same as that allowed to judges of the court of appeals whilst traveling to and from said court; and if so, have you any more right to charge hotel bills than the judges of the courts have?

Ans. I most emphatically have, and for the very special reason that in the case of judges of the court of appeals, they are merely allowed their mileage at ten cents per mile, and there is no appropriation by the General Assembly to

them for incidental expenses or otherwise; and in the case of the attorney-general's office, he is allowed the ten cents per mile by the same provision of the Code referred to, and by appropriation, he has, as has been stated, nine hundred dollars for incidental expenses. If it had been intended by the legislature to confine the attorney-general to mileage alone, as the judges, they would have so said; but, on the contrary, they have superadded thereto the further words "Of payment of rent of office and all contingent and traveling expenses." Traveling expenses are one thing—such as mileage; contingent expenses are another, and in my opinion embraces hotel bills as clearly as a thing could without expressly so saying.

Ques. Is not mileage claimed and drawn out by you, greatly in excess of your actual railroad fare; for instance, to Washington and return, \$24 80; to Staunton, \$24 20; to Wytheville, \$51 40, and the like?

Ans. I might ask the legislature the same question, whether they did not receive ten cents per mile, both going and coming to the meetings of their session, whereas in fact and in truth their railroad expenses might not amount thereto. The reason of that is that the law gives it to them at the rate of ten cents per mile, and so the law gives to the attorney-general both salary, mileage, and a contingent fund to cover his incidental expenses while in attendance on his official duties. On page 183, Code of 1873, section 16, chapter 8, it is said that the attorney-general shall receive mileage allowed him, and that shall be the same as that allowed the judges, of the court of appeals.

Ques. What you have said of the allowance of mileage to the members of the legislature is true; but do you mean to say that they, in addition to that, would have the right to charge the state with their hotel expenses and money spent on the railroad, such as the item of \$7 50 spent on railroad between Richmond and Washington and return?

Ans. I do not mean to say that, and cannot be so understood, for the reason that the members of the legislature are restricted to their mileage of ten cents per mile, and have no contingent fund to pay hotel bills, while in the case of the attorney-general's office it has, as I have above answered. He not only has mileage allowed him of ten cents per mile, but he has a fund from which to pay his contingent expenses. No charge for traveling that was not necessary and contingent to his office could be paid, and I am sure there is none such in any voucher in this case ever filed by me.

Ques. Will you point me to any provision of law, if there be any such, other than you have quoted from the appropriation bill, as follows: "The attorney-general, for payment of rent of office and all contingent and traveling expenses in attending to his official duties, to be paid on account certified, \$900," that authorizes the payment to you of your hotel, traveling and other expenses of your office?

Ans. I know of none, and I know of none other that would possibly be necessary.

Ques. You will observe that this provision of the law even upon the interpretation you have given, it confines this allowance to \$900 per annum; will you then tell me upon what authority you incurred mileage and expenses, and received payment of same as follows: In the year 1882, mileage in same, \$704; expenses, \$1,743 37; aggregate, \$2,447 37?

Ans. I will sir. That if the above construction be correct, and if only \$900 could be spent by the attorney-general to defend cases in court for the commonwealth, as soon as that fund was exhausted, her cases in court would have to be stopped; but if you will consult an experienced auditor, he will show you that nothing is more usual than for one department of the state to exceed its appropriation for a particular year, and that any excess for that year over the appropriation, goes over and is deducted from its appropriation of the next year. So that as a matter of fact, the commonwealth loses nothing by it, the excess of one year being merely deducted from the appropriation of the next, and frequently it is the case, as legislators will remember, that when no appropriation bills are passed, the various officers in the departments of the government proceed as though these appropriations existed, because it has been the custom of the General Assembly to pass such appropriation bill, *nunc pro tunc*, as would have been necessary to cover such expenses.

Ques. I asked you to cite me to some provision of law justifying this, and you promised to do so, you have not yet done so?

Ans. I have cited you to the appropriation bills for the office of the attorney-general, and then I have shown you what has been the construction of this law. This is all that I know on the subject.

Ques. You say then that you rely upon the appropriation of one year to cover the excess of expenditure of another year. Since you have been in office, your expenses and mileage for 1882, were \$2,447 37; for the year 1883, \$823 30; and up to October 1, 1884, they have been \$667 35; will you indicate to me the prospect of equalizing this excess of expenditure even upon your own interpretation of your right to appropriate money without an act of the legislature?

Ans. You will observe that the second year does not exceed the whole appropriation, nor the third, and the fourth has not been entered upon at all, but this has certainly been the custom of the various departments of this commonwealth; otherwise as I have stated, if the mileage must stop because the appropriation stops, then the attorney-general must cease visiting the courts, and defending the cases in them, unless he pays his travelling expenses out of his own pocket.

By Mr. Moon:

Ques. Was there ever a year when an appropriation bill was not passed, except the year 1880?

Ans. I could not particularize the year, I only know that some General Assemblies adjourned without passing such a bill.

By Mr. Barton:

Ques. Capt. Blair, you will observe that for the whole term of four years at \$900 per annum, the appropriation for the attorney-general's office would amount to \$3,600, and yet in two years and nine months, you spent \$3,938 02 for mileage and expenses alone; will you tell me how you make the appropriation for one year pay that of another upon this system of mathematics?

Ans. If that could not be done, as you say, I think it would be the duty of the General Assembly, even at a subsequent year, to make up any such deficit. If

you will examine into the record from which you read, you will find that the amount of litigation during the term of the present attorney-general's office was unprecedented in this commonwealth. When the present attorney-general entered upon the duties of his office, there were but few criminal cases on the docket, perhaps three or four in each of the appellate courts. I have known during my term, of as many as thirty or thirty-five at one term. During the former attorney-general's administration, we had nothing known as "coupon suits." I have seen as high as seventy on the docket at once. The former attorney-generals were not much annoyed under the oyster law of the state. I have had as many as nine oyster cases against depredators on the oyster interests of the state in court at one time. But to make a long matter short, if you will examine the number of cases on the docket of the different courts in which they were brought and prosecuted, and the great amount of labor that was necessary to be bestowed, and the traveling expenses, hotel bills, printed briefs, purchase of books, you may then understand why it is that the attorney-general's fund of even \$900 a year is not now sufficient to defray the expenses of that office.

Ques. Will you tell me by what authority of law you purchased, out of the contingent fund, such books as Appleton's American Encyclopædia?

Ans. I purchased it because I find it one of the most invaluable series of books that I possess. In the coupon cases I could find no information on the subject of lithography and engraving of bonds and coupons, and in various other cases that involved art, I could find nothing in the law books proper that gave me information. These books are the property of the commonwealth, and I consider them great auxiliaries to the attorney-general's office—as much so as the very valuable works of Mr. Barton on law and chancery, which I also possess. There are about eighteen volumes of them, I believe, and very fully indexed, at a cost of \$102, that I consider very cheap, and necessary to the faithful performance of the duties of that office by any one who desires to be learned in his profession.

Ques. Will you please say by what authority of law you have employed Mr. J. Ambler Smith and Mr. Henry Wise Garnett in cases of the commonwealth, and paid them out of the treasury upon your order?

Ans. They were paid out of the contingent fund of the attorney-general's office under circumstances of this sort: The supreme court and some of the courts in the city of Richmond were in session, and it was absolutely necessary that certain legal petitions should be presented to the supreme court at Washington, and inasmuch as it was impossible for the attorney-general to be in two places at the same time, and thus protect the interests of the state, he would secure the services of Mr. Smith to watch certain class of interests at Washington, and also Mr. Henry Wise Garnett to represent him in others. I could give you the details of these cases if you wish it.

Ques. It is not material, sir, unless you regard it as such. I only want to find the law for it?

Ans. I consider these as expenses necessary to the office, as much so as other incidental expenses which I think would promote the interests of the commonwealth.

**Ques.** The last act of the General Assembly fixing the compensation of the attorney-general (Acts 1877-8, page 174,) says: "The attorney-general shall receive the sum of twenty-five hundred dollars annually for his services, and shall not be entitled to any other compensation therefor." Will you please explain under what authority you drew from the public treasury, in the year 1883, the sum of \$2,500 as salary, and in addition thereto the sum of \$3,757 taxed fees, and for the first nine months of 1884 the sum of \$1,875 as salary, and in addition thereto the sum of \$1,498 tax fees?

**Ans.** By chapter 161, sections 2 and 5, of the Code of 1873, it is required that he shall appear as counsel for the state in all cases in which the commonwealth is interested, depending in the court of appeals in either district thereof, (referring to the old district courts), or in the circuit court of the city of Richmond; and the fifth section of that chapter provides that on the final determination of any cause in any court mentioned in the second section just named, in which the attorney-general appeared for the state, the clerk thereof shall certify to the auditor of public accounts the fee of the attorney-general, which shall be paid out of the public treasury. These two sections of this chapter were amended by the Acts of 1876-7, chapter 353, page 354, wherein the salary of the attorney-general was increased from \$2,000, as it stood under the Code of 1873, when he could receive the fees which I have just named, and it was increased to \$3,500, and a *prohibition* was inserted to that act that the attorney-general should not be entitled to receive any fees, perquisites, or rewards in addition to the salary aforesaid for the performance of his official duty. This second section was not *repealed*, as has been sometimes supposed, and as I have seen stated, but it was merely amended and re-enacted. The law thus stood until, by the Acts of 1877-8, chapter 183, there was a revision of the salaries, mileage, and compensation laws of the officers of the commonwealth. On page 174, of that act, there is another revision of section 2, of the Code of 1873, where the salary of the attorney-general is reduced down from \$3,500 to \$2,500, and there is a very material alteration in that amendment from the words of the Act of 1876-7; the prohibition against receiving perquisites, fees, and rewards is *wholly omitted*. The consequence is that the provisions of the Code of 1873 are revived, and in the case of *Thon vs. The Commonwealth*, reported in 77 Virginia Reports, page 289, 2d Hans., these statutes that I have just referred to, became the subject of construction by the court of appeals, and we find at the bottom of page 290 and on the top of page 291 that this court says that the only alteration intended by the legislature to be made was in regard to the payment of salaries, but the change in the phraseology in the two acts in regard to perquisites, fees, and rewards was not intended to be interfered with, and in fact was not interfered with. After discussing certain provisions of chapter 181 of Code 1873, in regard to the recovery of fees from the unsuccessful party by the party who substantially prevails, the court then proceeds to discuss, in a general way, the different amendments by the Acts of 1877-8 and 1876-7, and they say that the laws requiring such fees to be taxed by the commonwealth in *any* case have never been repealed, and are now in force. I regard this decision, although I know it is controverted by some of the profession, as thoroughly sustaining

that right. I know that some very good lawyers, who are wholly disinterested, construe it as I do. I know, further, that such has been the uniform construction placed on this statute by this office. Since the passage of the last-named act this office has recognized the Code of 1873 as being in effect revived, as you will see from the top of statement number two, of the auditor's reply to the resolution in this case, where he refers to the Code, chapter 160, section 5, page 75, as part of his authority. Further, while the opinion of clerks cannot be said to make law nor to properly construe it, the clerk of the court of appeals has always certified these fees, as also the clerk of the hustings court of this city. During the existence of the first-named act, the attorney-generals did not apply for, nor could they have received any fees at all, because there was an express prohibition against it; but under the last-named act passed, it omitted the prohibition. This case of Thon was brought up to the supreme court of the state, and immediately upon that decision the auditor and clerks acted, as I have stated, upon the idea that the last-named act revived the provisions of the Code of 1873.

Ques. Capt. Blair, please look at section 2, chapter 161 of the Code of 1873, and say whether it has any reference whatever to the taxing of any fees to the attorney-general, and say whether either of the subsequent re-enactments of that section have any such reference except in the act of April 4, 1877, which says: "But he shall not be entitled to receive any fees, perquisites, and rewards, other than in addition to the salary aforesaid, for the performance of his official duty." The second section declares that the attorney-general shall appear for the state in all cases in which the commonwealth is interested, in the court of appeals of the state, and the circuit court of the city of Richmond. The amendment to that section reduces the salary from \$3,500 to \$2,500, and increases the number of courts in which he shall practice for the commonwealth from the two in number just named as follows: "He shall practice in all cases in which the commonwealth is interested, depending in the supreme court of appeals, (that is of the state) the supreme court of the United States, the United States circuit and district courts holden in the state of Virginia, and in the circuit court of city of Richmond," and while that second section just referred to does not in terms refer to fees, this second section of the Acts of 1877-8 repeals and re-enacts the provisions of the act of 1876-7 just named, in regard to fees, perquisites, and rewards, and while it does not say in plain words that he shall produce certificate of the clerk and present it to the auditor, I hold it does revive his right of perquisites, fees, and rewards, and when the proper certificate of the court is brought to the auditor, that auditor has as plain a right now to allow that claim as he had under the fifth section of chapter 161 of the Code of 1873.

Ques. I ask you again, Captain, whether in plain or other words, that section has any reference whatever to taxing an allowance to the attorney-general for any fees under any circumstances?

Ans. The second section does not of itself, as I have stated, but I have sought to show that while it did not do so in express words, it did so by every possible implication when taken with section 5.

Ques. Please now read the fifth section of chapter 161 of the Code of 1873—

"On the final determination of any cause in any court mentioned in the second section, in which the attorney appeared for the state, the clerk thereof shall certify to the auditor of public accounts the fee of the attorney-general, which shall be paid out of the public treasury. His fees in a circuit court on an appeal from the decision of the auditor, shall be the same as are taxable in the general court." I hold in my hand a printed communication signed F. S. Blair, published in the Richmond Whig; in which, speaking of your right to these tax fees, you say: "The authority for this is found in the Code of 1873, chapter 161, section 5, which declares that on the final determination of any cause in any court mentioned in the second section—court of appeals, circuit court of Richmond city, etc.—in which the attorney-general appears for the state, the clerk thereof shall certify to the auditor of public accounts the fee of the attorney-general, *which shall be paid out of the public treasury*. His fees in a circuit court on an appeal from a decision of the auditor, shall be the same as are taxable in the general court." The fee taxed in the general court was \$8, and coupon cases are regarded as appeals from the decision of the auditor, because he refuses to recognize the receivability of coupons for taxes, and hence puts the coupon-holder to a suit as by appeal from his ruling"; did you not mean by the use of this language to rely upon chapter 161 as your authority for receiving those fees?

Ans. That was a communication from me published in certainly two of the papers of this city, the Dispatch and Whig, and by the publication of which I sought to show that certain imputations that had been published in other papers were not true, to the effect that the attorney-general had robbed the treasury of Virginia. That communication was addressed to unprofessional men throughout the whole country and it did not go into the details of the construction that I am now making to this committee, two of whom are lawyers. But what I said then, I say now, except perhaps, in more professional and legal term, that to all intents and purposes the 5th section of chapter 161 of the Code of 1873, has in effect never been repealed, but that it has only been re-enacted, and that the same right that existed under the provisions of that section for the auditor to allow and the attorney-general to receive his fees, exists now. Because of the construction that I have placed on these statutes that are amendatory of chapter 161 of the Code, I say that that communication was substantially correct, it only failed to go into legal details as I do now in this statement.

Ques. Then I understand you to rely upon section 5 of chapter 161 for your authority to receive those fees?

Ans. You cannot possibly so understand that, in justice to the statement that I have made. I rely upon section 5 of chapter 161 of the Code, subject to the amendment in the Acts of 1876-7 and 1877-8.

Ques. Please look at the act approved April 4, 1877, (Acts of 1876-7, p. 354,) and see if I do not read the second section as follows: "Sections two and five of chapter 161, section sixteen of chapter 13, and all other acts or parts of acts in conflict herewith, are hereby repealed." If I do, please tell me where in the law, either directly or inferentially, section five of chapter 161 is re-enacted?

Ans. You are correct in one respect in regard to section two, and very incorrect in regard to it in another. You inquire whether it has been repealed, and

you read the second paragraph of the second section, wherein it says that the second and fifth sections of chapter 161 are repealed, but you fail to go back to the enacting clause of that very act and find that such was not the case; that certainly, so far as section two was concerned, that it was not only not repealed, but that it was amended and re-enacted; and therefore the act being in conflict with itself, that it was open to construction, and the construction that I have placed on section five of chapter 161 is corollary, from the fact that section two was not repealed and was re-enacted.

**Ques.** By what possible proposition or corollary of law that you can infer that, when an act says "Sections two and five of chapter 161, and section sixteen of chapter 13, and all other acts and parts of acts in conflict herewith are hereby repealed," that section five was not repealed?

**Ans.** It may be that the manner of allowing these perquisites, fees and rewards, as provided for by the fifth section, as contained in chapter 161 of the Code, has not been re-enacted; but the substance of that section has been re-enacted in another way, as I have stated, by omitting therefrom the prohibiting the payment of fees, etc., and by this last act embracing section two, which embraces substantially the provisions of sections two and five as they were in chapter 161 of the Code. To illustrate by section two of chapter 161: I have been asked if there is any reference there to fees, and there certainly was no such reference. It merely refers to the courts in which the attorney-general shall practice. But an examination of section two, in the last act on this subject, will show that it not only refers to the courts in which he is required to appear, but it refers to the substance of the matter that was embraced in section five of chapter 161; that is to say, that section five has been modified, and the reason it was modified is that, instead of making two sections of this matter, as in the Code, we have section two, which embraces them both—referring to the courts in which he shall appear and the salary he shall receive, and omitting the very important prohibition that he shall not receive other fees, as the preceding act had done.

**Ques.** Then your position seems to be this—you admit that prior to the act of April 4, 1877, the attorney-general drew no salary, but his whole compensation was derived from his fees under section 5 of chapter 161 of the Code; that by the act of April 4, 1877, he was given a salary of \$3,500, and at the same time it was declared that he shall not be entitled to receive any fees, perquisites, or rewards in addition to the salary aforesaid for the performance of any official duty, and by the same act both sections 2 and 5 of chapter 161 were distinctly and in so many words repealed; that by the act of March 12, 1878, Acts 1877-8, page 174, the salary was reduced to \$2,500, and the words, "But he shall not be entitled to receive any fees, perquisites, and rewards whatever in addition to the salary aforesaid for the performance of any official duty," were not included in the last act; I understand you to infer from that act, that not only is the attorney-general entitled to a salary, but he is also entitled to these tax fees which were provided to be paid in the fifth section of chapter 161, which have been revived, and which were provided to be paid under no other section of the law; do I understand that to be your position?

**Ans.** You understand that correctly in substance with this addendum: That

by reason of this legislation which you have recapitulated, that the auditor has now the perfect right to allow perquisites, fees, and rewards on such cases as are certified to him by the court to be correct, and that the auditor would not only be protected in them, but would be violating his duty if he did not do it. The salary of attorney-general prior to 1877, was \$2,000, and not as you say, mere fees, but both. See chapter 13, section 16, Code 1873.

Ques. In your printed communication to which I have referred you, you rely for your authority to receive these fees solely upon section 5 of chapter 161 of the Code of 1873; will you point me to any act or any part of any in the law anywhere that allows you to be paid anything except a salary of \$2,500?

Ans. I think I can; it can be found in the last act of 1877-8, amending the act of 1876-7, and in this way: That the act of 1876-7 forbids the payment of fees, perquisites, and rewards out of the state treasury, and this last act which amends that of 1877-8, does not prohibit it; and that, therefore, as I have sought time and again to make clear, the section of the last act revives and embodies both sections 2 and 5 of the Code of 1873, that did allow them to be paid out of the state treasury.

Ques. Then you say that the act allowing them to be paid out of the state treasury has been repealed, and because a subsequent act says nothing about that, therefore the provision of law repealed, which allowed them to be paid out of the state treasury, is thereby revived; in other words, you make the failure of the General Assembly in a subsequent act, to say anything about a previous repealed act, the section repealed not being referred to in the new act, revive the old repealed act?

Ans. I have not taken that position, and have not so reasoned; my last answer is an answer to this, which I can repeat if desired; it is not the case of a statute being revived by mere implication. It is merely where one section embraces what two sections had before involved, and then the question arises, what is the construction of that section 2, which embraces in substance the provisions of the two sections 2 and 5.

Ques. I will ask you again to point out to me any authority in the re-enacted section 2, which directly or inferentially gives you authority to draw a dollar of fees out of the public treasury except for salary of \$2,500 per year; I ask you to quote the language?

Ans. I can produce no other authority than that which I have cited, which was sufficient to my mind and to the mind of this office, and the clerks of the courts that were in the habit of construing such matters.

Ques. Now referring to the case of *Thon vs. The Commonwealth*, 77 Virginia reports, page 289, is not this the true statement of that case: The commonwealth obtained judgment against Thon, and in that judgment, was taxed a fee of \$20 in favor of the attorney-general or commonwealth's attorney, and in that case the defendant contended that by reason of the provision in the statute of 1877-8, declaring that the attorney-general shall receive a salary of \$2,500 annually for his services, and shall not be entitled to any further compensation therefor, that the attorney-general could not claim from the defendant this \$20 tax fee, and did not the court in that case hold that the attorney-general shall not be prevented from recovering from the defendant in a case in which

the commonwealth was plaintiff, and vice versa, the fee taxed against the commonwealth's adversary; but does the court of appeals say in this case that the attorney-general has the right to recover that fee from anybody but the commonwealth's adversary, or under any circumstances that he has the right to demand that fee from the public treasury, unless the public treasurer shall have collected it from the commonwealth's adversary; is not that the whole decision in this case?

Ans. I think that is part of the decision but not the whole of it. That was a case where a man had been convicted in the court below of an offence; when the case came to the court of appeals, the clerk of the court of appeals taxed a fee in the commonwealth's case, and the prisoner moved the court to correct the clerk's taxation and to strike out the fee of \$20 therein. In this particular case it is true that the commonwealth was the successful party, but the prisoner and his counsel insisted that because of these repealing acts here that have been referred to, that this fee could not be taxed in any case at all. The court reviewed the provisions of the chapter 177 that we have referred to here, and also Acts of 1877-8, and also 1876-7 as to their effect upon the subject of tax fees in commonwealth cases; and it reasons in effect that because the words "fees, perquisites, or rewards whatever" had been omitted from the last act, that the effect of that omission was to change the entire character of this section of the act that we have referred to, and the court says that the reference in this case was to salaries, that it does not effect the fees of the officers at all. He says that the 17th section prescribes the salary of the clerk of this court (the court of appeals) of \$500, and his fees are not affected. On this subject, in the latter part of the decision, the court says: "the law requiring such fees to be taxed for the commonwealth in any case (that is to say, whether it be a misdemeanor or felony, that is to say, whether the party be the winner or loser, that the law requiring fees to be taxed) have never been repealed or amended, and are now in force," because of the line of reasoning which I have named here. He says, "the laws directing the fee to be taxed in the costs for the commonwealth, and that the same shall be paid to the said attorney, (referring to the attorney-general whose name had just been used above there) had never been repealed." So that I conclude my answer by saying, that I think the court of appeals, in this case here, have decided much more than the question suggests.

Ques. Is not the sole reference to the Acts of 1876-7 and 1877-8 for the purpose of showing that those acts do not prevent the attorney-general from receiving any fees or perquisites to which he was otherwise entitled, and do they promptly and directly declare that the attorney-general has the right to charge tax fees against the state, to be paid out of the public treasury?

Ans. The decision in plain terms, after reviewing both of these acts of 1876-7 and 1877-8, and showing their relation with the law as existing before that, say they have never repealed the law in any case that authorizes the attorney-general to receive his fee. If it had not so meant, it would have so said. It does not say that the law has been revived, and that fees can be collected out of either party, but in express terms says that the laws authorizing the taxation of fees to the attorney-general in *any case* have never been repealed.

Ques. Does not the court of appeals distinctly say as follows: "Section 11 of

chapter 160 provides that the attorney-general shall be entitled to the amount which the clerk shall be authorized to tax in any suit," etc., and the sixteenth section, chapter 181, provides, as we have seen, "What is so taxed as fees of or allowance of to any person, shall be paid him by the sheriff or officer who may receive said costs," etc. And they add further, "We are of opinion that the amendments to the law, fixing the salary of the attorney-general, does not refer to or affect this fee-tax in the case, and that being so taxed, it is to be paid to the attorney-general, as the law directs in the case of all attorneys on the winning side in any case." Now, do not both of these sections of the Code, so recited, refer purely and simply to the right of the attorney for the winning side to recover from the defeated side the fee that shall be taxed in the case against such defeated side?

Ans. That section there does refer to cases where fees can only be recovered by the parties who substantially prevail; but the point that I have sought time and time again to make myself clear on is this: that the court, in construing the effect of the two acts of 1876-7 and 1877-8 have declared that there is no law of any kind anywhere now that takes away from the attorney-general his right to his fee in any case.

Ques. Do you mean to say that the court of appeals holds now that the fee in any case may be taxed against your client in favor of the attorney of that client?

Ans. I cannot speak for the court now in any way, except from the court's opinion; I can only say that their line of reasoning in the Thon case, is, I think they would be compelled to allow the fee whether the commonwealth had succeeded or not.

Ques. If it be true of the commonwealth, why is it not of other parties?

Ans. There is a wide reason for the difference; the reason is this, that in civil cases there is an express section—the thirteenth section of chapter 181—that declares that attorney's fees in civil suits shall not be recovered, except by the party that substantially prevails; but there is no such provision relating to commonwealth cases, but upon the contrary by the Code of 1873, and by what I have sought to show in the last act of 1877-8, there are provisions that allow the payment of perquisites, rewards, and fees in commonwealth cases, and it is not restricted to the fact that either one or the other party prevails.

Ques. I find the thirteenth section of chapter 181, to which you refer, reads as follows: "He shall include in the costs, for the fee of such party's attorney (if he have one), in a circuit, county, or corporation court, unless it be a case of a judgment by default on a forthcoming bond, or a case otherwise provided for, two dollars and fifty cents; in a county or corporation court, where it is a complaint of unlawful entry or detainer, or an action of ejectment, five dollars; in a case of the commonwealth, if no higher fee be allowed, five dollars; in a circuit court in an action of ejectment or on a writ of error or supersedeas, or an appeal (other than in a chancery case), five dollars; in a chancery case other than a motion in a circuit court, whether as a court of original or appellate jurisdiction, and in a chancery case (other than a motion), in a county or corporation court, fifteen dollars; in the court of appeals, twenty dollars." I do not find in this section the provision to which you refer?

Ans. If you will look to Thon's case, page 290, the court says: "By the thirteenth section of chapter 181 of the Code of 1873, (the very one you have read as part of your question), twenty dollars is prescribed as the attorney's fee in this court, taxed and recovered by the said substantially prevailing party as other costs are recovered." The error into which you have fallen, as well as the court is, that you have failed to note the eleventh section in connection with the thirteenth. The eleventh section is a short one of a line and a half, and it is in that one that it is provided that in every case in the appellate courts the costs shall be recovered by the party substantially prevailing. I suppose it is merely the failure to say, that in sections 11 and 13 in chapter 181, that is so provided.

Ques. I am not in error, but quite agree with your last answer. Now I ask you again, where in Thon's case, or the statutes, there is any provision for taxing a fee in cases except in favor of the prevailing party and against the party defeated, to be paid to the attorney of the prevailing party?

Ans. It was found in the Code of 1873, chapter 161, section 5, that you claim still stands repealed, but which I insist was, by the provisions of the next act, abolished, taking away the fees, perquisites and rewards, and is now in fact revived by section two of the last acts that embodies substantially the provisions of sections two and five of chapter 181 of the Code of 1873?

Ques. I had understood you to say that you relied for your authority upon your interpretation of Thon's case; now you say that the court of appeals in Thon's case has fallen into error, and you rely for your authority to take these fees upon the statute which I have shown you was definitely repealed, and which you have failed to show me was anywhere re-enacted?

Ans. I have nowhere said, if put down correctly in my answers, that the court of appeals has made any other error than by merely the reference to the number of the section; that is to say that when it quotes the thirteenth section of chapter 181 of the Code, on page 290, that it gives the substance of that section and the section eleven just preceding it, which does not affect the substance at all of the decision, does not destroy the deduction to which I referred.

Ques. In the year 1883 you drew from the public treasury \$2,750, taxed in 197 suits. In the first nine months of 1884 you have drawn from the public treasury \$1,498 fees, taxed in 142 suits. Will you be kind enough to say in how many of these cases the state was the prevailing party and in how many she failed?

Ans. It would be impossible from mere memory to state the cases as you ask now. They were so numerous and so different, scattered over this state as well as in the courts of the United States, that it would be impossible for me to be certain. The clerks of the courts keep a record that shows the judgments, whether pro or con. This information can accordingly be derived therefrom. I could, at the expense of some time and by reference to books in my office, furnish it, and I will do my best to do so.

[The attorney-general was requested by the chairman of the committee to furnish this record, and the attorney-general expressed his willingness to go through the record that was handed him, and to state to the best of his recollection how these cases resulted.]

Ques. Did you not, on or about the 28th day of May, 1884, confess judgment in the circuit court of the city of Richmond in eighty-five cases against the commonwealth, and in which judgments were rendered against the commonwealth, and did you not immediately draw from the public treasury \$744, representing the tax-fees in those cases as if they had been taxed in favor of the commonwealth?

Ans. I did nothing of the sort; so far from confessing any judgments at all, I secured what I conceived to be a most favorable determination of any coupon cases in which I have ever been engaged. Col. Richard L. Maury, a very prominent and respectable lawyer of this city, brought a list of cases to me which he said were similar to some other cases that I had before argued in the circuit court of this city before Judge Wellford. Col. Maury proposed that if judgment should go for the plaintiff without costs, that for every dollar of the amount embraced in those cases that he would fund upon a certain proposition—that is to say, that he would accept \$20,000 of the 3 per cent. Virginia bonds for \$35,000 of the 6 per cent. bonds, and then that he would take this \$20,000 of 3 per cent. bonds, and would sell them to the board of sinking fund commissioners at the lowest rate at which they could be sold. I told Col. Maury that while his proposition was of the most advantageous character to the state, that I preferred to go down to the court and have the matter presented to the court. We both proceeded down to the circuit court where Judge Wellford was in session; we rose and stated to him Col. Maury's proposition. Judge Wellford responded (he being judge of the circuit court, in whose court all commonwealth suits must be brought), that he considered the arrangement a most advantageous one to the commonwealth; that he thought it ought to be done in those cases, and he advised it to be done in all cases of the same character and under these circumstances. So far from confessing judgment at all, this arrangement was made, which I understand was carried out in the utmost good faith by Col. Maury. They were mere judgments of dismissal, as I understood, to be entered by the clerk. I, in these cases as in all other cases where I appear for the commonwealth, whether they were decided for or against the commonwealth, made out a list of these cases, sent them down to the clerk of Judge Wellford's court, had him to certify that list to be correct, as is my habit in every case and in every court I appear, and that certified account by the clerk was the claim that the auditor allowed to me in these cases. I do not know how the clerk entered up the orders.

Ques. I did not ask you the question so much to inquire whether you confessed judgment, but to ask if it was not true in these 85 cases there was no judgment in favor of the state. I find from your certificate on page 31 of the auditor's report, that there were 93 such cases—only 85 certified by the clerk as ended and 8 not so certified, and that for these 93 cases you drew the sum of \$744 tax costs; was it not true that some of these judgments were entered and judgments were by consent between you and the counsel for the parties, set aside?

Ans. In your question you make a statement that I think is not sustained by the certificate of the clerk, when you say that 85 are certified to have been finally determined and that 8 are not so certified. The fact is that the 85 are

certified to have been determined, and the 8 are certified by the clerk as those in which the attorney-general appeared for the commonwealth in his court at the present term. He may not have added the words in the certificate that they were finally determined, but my impression is that they were finally determined, and I do not doubt his certificate was so intended for that. The other cases to which you refer in which certain judgments that had been recovered, were set aside, occurred under these circumstances: that after these cases here—these 85 and these 8 had been finally settled, and for which alone fees had been drawn (none having been drawn in the other cases to which I am now referring), Col. Maury came to me with another list of cases which he said were of the same character, and said he desired the same orders entered in them as those in the other cases. After the expression of the learned judge of the circuit court of the city of Richmond, who declared that he thought the arrangement was so advantageous to the commonwealth, I signed a paper handed me by Col. Maury for the order to be made by the court in those cases as in the others. I heard nothing from these cases until some days afterwards. I had written to the auditor, Col. Marye, about the first cases that I have referred to, and told him Col. Maury's proposition, and said to him that I thought it was advantageous to the commonwealth. I had no refusal on his part that the arrangement should be carried out, and when these last cases were called, I supposed they were of the same character as the first, and saw no reason to refuse similar orders; but when I returned after an absence from the city, I found that there was some dissatisfaction on the part of the auditor with this arrangement. I at once hunted up Col. Maury, counsel for the other side, told him that I had supposed this arrangement had been by mutual consent, inasmuch as it had been stated in open court and he had told me he had called on the auditor and the auditor had referred the matter to me, and that there should be no dissatisfaction about it; but inasmuch as there was dissatisfaction, we would go down to the court room and have the judgments set aside. Col. Marye came to my office the same morning the judgments were set aside, and told me he knew nothing about the last-named judgments I have referred to; that they were license cases, and that class of cases in which he thought no judgments could be entered at all. We two then went down to the circuit court room where I rose, as also did Mr. Meredith, who is assistant commonwealth's attorney of the city, also Col. Maury, and stated to the court the facts that I have referred to, that these judgments were taken under a misunderstanding and we wanted all judgments to be set aside which had not been actually paid. I may not have given the exact language of the parties, but I have sought to give the substance of it.

By Mr. Moon :

Ques. You have spoken of these judgments as judgments of dismissal, were they not judgments against the commonwealth recovered here to compel her to receive coupons for taxes?

Ans. I suppose judgments were entered in the first cases that have been named here—that is, the 85 and 8 authorizing the plaintiff to pay taxes in these coupons, and it was upon that the clerk made the certificate that you will see certified to the auditor on page 34.

By Mr. Barton :

Ques. What I meant to ask you specially was this: Did you not receive a tax-fee in each one of those ninety-three cases, whether certified or uncertified, or in spite of the fact that they were judgments against the commonwealth?

Ans. I could not have received them unless they were certified in some way. I did receive the usual tax-fee in those cases from the auditor.

Ques. You received the usual tax-fee in all of the ninety-three cases, though only eighty-five of them appear to be certified as determined?

Ans. They were certified by the clerk as cases in which the attorney-general had appeared, and I am satisfied that they were as finally determined as the others.

By Mr. Moon :

Ques. On page 17 of the auditor's communication I see you are allowed \$250 for services rendered in twenty-two cases in the circuit court of Albemarle; please state by what authority this amount was paid, and under what law it was paid?

Ans. Well, sir, there were some cases of very great importance in the circuit court of Albemarle, that Mr. Ficklen and others of Albemarle county had brought against the county treasurer of Albemarle. The process was sent by Mr. Micajah Woods, who is commonwealth's attorney in that county, to me. He said that he had very little experience in coupon cases, and he desired me to come and take charge of those cases. As was my habit in these cases and all others outside of courts where I appear, I carried these letters to the governor and showed them to him. He asked me to go there and attend to these cases, which I did; argued them and won them. On my return I presented this account which you hold in your hand, and which was approved by the governor. It was ordered to be paid to me by the governor. I presented the order of the governor to the auditor and it was paid—I suppose out of the civil contingent fund.

Ques. Was not but one of these cases so determined?

Ans. Yes, that is true; but the other twenty-one were to be determined by the decision in that case. I won that case for the commonwealth, and of course I expected similar judgments to be entered in all of the others. There is no fee taxed in each of these cases at all, but simply what I conceived to be a reasonable charge for defeating all of these cases, which was approved by the governor and allowed to me upon his employment of me as counsel.

[Mr. Barton: I desire to call attention to this fact, that this fee of \$250, and fee on the same page of \$125, I have inadvertently included in the sum of the fees taxed in the cases and drawn out of the treasury in 1883. These two sums, amounting to \$375, must be deducted from the aggregate of fees taxed in costs and drawn from the treasury, as recited in my questions, making a difference of about from \$2,700 to \$2,400.]

Adjourned to 4:30 P. M.

WEDNESDAY, NOVEMBER 12, 1883—4:30 P. M.

All members committee present.

F. S. Blair, continued.

By Mr. Barton :

Ques. You have stated that some lawyers of standing in the state have given the same interpretation to the case of *Thon vs. The Commonwealth* that you have, will you be kind enough to give the names of any such lawyers?

Ans. Well sir, that is my private matter. I do not know that it is necessary to state such.

Ques. Then I understand you are not willing to name any single lawyer in the state that has given the same interpretation to the case of *Thon vs. The Commonwealth* that you have?

Ans. I have not taken the trouble to go around and ask.

Ques. Capt. Blair, is it not true that in these 93 or 85 cases, whichever you may term them, the greater number if not all were on investigation determined by you to be such cases as that the commonwealth ought not to be represented in them by the attorney-general, and did you not so state in court, and in the presence of counsel?

Ans. No, sir, there was no statement of that sort that the cases were such a character that the attorney-general could not appear in; on the contrary I opened the Code and showed the court that the law made it the duty of the attorney-general to appear in the circuit court in all cases in that court, but the statement was that some of this last batch of cases in which judgments were set aside by consent, were, I was informed, license cases, and that the auditor had disagreed to this arrangement—had signified his disapproval of it. The statement further was this, that some of these cases were license cases, requiring license in the city here, and that under the law of the state, this license tax was required to be paid in money by act of the last legislature, and not in coupons; but Judge Hughes in the United States circuit court at Richmond, upon cases recently decided, has held that that act was unconstitutional, and has declared that even these license taxes could be paid in coupons, but I was frank to say that if I had known at the time that Col. Maury presented this paper to me, that they were license cases, that I would not have asked the court to let the arrangement extend to them.

Ques. How many of these 85 or 93 cases were liquor license cases?

Ans. I could not tell you from looking at this list that is handed me, which were license tax cases, and which were not. But as to my right to appear in the circuit court of the city of Richmond, in license tax cases, and in all others, I have no question in my mind, because the Code makes it the duty of the attorney-general to represent the state in that court in all cases where she is interested without exception at all.

Ques. Then this would apply to any case at all in the circuit court, license or otherwise?

Ans. Yes, sir.

Ques. Then in any such cases your idea is, no matter its character, or what the result, you would be permitted to draw from the treasury a tax fee?

Ans. My answer was directed more particularly to your other question as to my right to appear in license cases in the circuit court; but I unhesitatingly hold that in any case of any character in the circuit court of the city of Richmond, or in any other court where the attorney-general is required to appear and represent the commonwealth, that he is entitled to such fees as the clerk certifies to be correct to the auditor, and that the auditor, after having examined and satisfied to be correct, shall pay them. I have seen it stated that I am the only attorney-general who has drawn fees of this character. I have had furnished to me during the summer a newspaper article that showed that my predecessor had drawn perhaps \$1,400 or \$1,500 of fees upon certificate of the clerk of the court of appeals of this state, and upon certificate of the clerk of the circuit court of this city. I was asked a moment ago if I had consulted any other lawyer in regard to my construction of Thon's case. I can only say that the fees paid my predecessor were under the opinion in Thon's case, and, I understand, were paid by the auditor on certificate of the clerk; and that if this be so, he recognizes the construction that I gave to section 5, in my preceding answer. The point that I definitely present is this: that these fees were drawn on these certificates of the clerk of the court of appeals and of the circuit court of this city by my predecessor, General James G. Field, who was four years attorney-general of this state; if I had so thought fit to invoke any other authority than my own, the opinion of my predecessor would have been sufficient to me. I will ask to be permitted to file, as part of this answer, the certificate of the clerk upon which the payments that I have referred to made to General Field were based:

#### CIVIL PROSECUTION.

No. 4367.

I, George K. Taylor, clerk of the supreme court of appeals of Virginia, at Richmond, hereby certify that General James G. Field appeared for the commonwealth as the attorney-general in said court in the following causes, which have been finally determined, to-wit:

1. McDonough against The Commonwealth.
2. Johnson against The Commonwealth.
3. Commonwealth against Ford & als.
4. White against The Commonwealth.
5. Givens against The Commonwealth.
6. Woody against The Commonwealth.
7. Moll against Guigon, Judge.
8. Hogan against Guigon, Judge.
9. Helfrick against The Commonwealth.
10. Maybush against The Commonwealth.
11. Mauxhausen against The Commonwealth.
12. Tyler, Sergeant against Taylor, Auditor.

13. Lawrence against The Commonwealth.
  14. Massie against The Commonwealth.
  15. Wolf against The Commonwealth.
  16. Hartman against Greenhow, Treasurer.
  17. Junius E. Jones against The Commonwealth.
  18. James Jones against The Commonwealth.
  19. Payne against The Commonwealth.
  20. Thon against The Commonwealth.
  21. Trogden against The Commonwealth.
  22. Walton against The Commonwealth.
  23. Charlotte Robinson against The Commonwealth.
  24. Thomas G. Leath against The Commonwealth.
  25. William P. Nuckols against The Commonwealth—first case.
  26. Richardson against Taylor, Auditor.
  27. William P. Nuckols against The Commonwealth—second case.
  28. George R. Shinn against The Commonwealth.
  29. Milliner against Harrison, Register of Land Office.
  30. John D. Willis against the Commonwealth.
  31. Henry W. Hey against The Commonwealth.
  32. Peter Wright against The Commonwealth.
  33. John Dickenson against The Commonwealth.
  34. John E. Poindexter against The Commonwealth.
  35. Angelo Baccigalupo against The Commonwealth.
  36. Paulsen against Dyson, Second Auditor.
  37. N. L. Price against The Commonwealth.
  38. Thomas Glass against The Commonwealth.
  39. Greenhow, Treasurer against Taylor, Auditor.
  40. Lee Reynolds against The Commonwealth.
  41. Albert Mitchell, against The Commonwealth.
  42. Nelson Mitchell against The Commonwealth.
  43. Williamson against Massey, Auditor.
  44. Lewis W. Wimbish against The Commonwealth.
  45. Lee against Harlow, Treasurer.
  46. Jesse E. Mitchell against The Commonwealth.
  47. Commonwealth against Rollins and Burbank.
  48. De Jarnette against The Commonwealth.
  49. Christian against The Commonwealth.
  50. Law against The Commonwealth.
  51. John Brown against The Commonwealth.
  52. Douglas Temple against The Commonwealth.
  53. George Lacy against The Commonwealth.
  54. John E. Smith against The Commonwealth.
  55. Peter F. Wolverton against The Commonwealth.
  56. Commonwealth against Johnson.
- Given under my hand this 11th day of April, 1883.

GEO. K. TAYLOR, C. C.

AUD'R OFF. APRIL 11, '83.

Rec'd wt. No. 4367 for 1,120 dollars, amount of the within claim.

JAS. G. FIELD.

Virginia:

In the clerk's office of the supreme court of appeals at Staunton :

I hereby certify that it appears from the records of the court here that the case of *Celia McCaw vs. S. C. Williams*, Superintendent of the Penitentiary, upon writ of error, &c., which was pending at Wytheville, at the July term, 1880, and was heard but not determined there, and on September 24, 1880, this order was entered here: "This day came here the parties, by their counsel, and the court considered \* \* that there is no error in the judgment and that the same be affirmed. And it is ordered that this order be entered upon the order-book here, and forthwith certified to the clerk of the court at Wytheville, who shall enter the same on his order-book and certify it to the said circuit court of the city of Richmond.

A copy (in part)—Test:

J. B. DORMAN, *Clerk*.

The auditor will please pay the within to West, Johnston &amp; Co.

JAS. G. FIELD.

No. 4383.

Virginia:

In the circuit court of the city of Richmond :

A list of cases finally determined in this court in which the commonwealth of Virginia was interested, and in which the Hon. James G. Field appeared for the commonwealth.

From 1st January, 1878, to December 31st, 1881.

Common Law.

*Commonwealth vs. Roanoke Navigation Co.**Commonwealth vs. Wm. E. Boisseau, Sergeant Danville, &c., 5 motions.**Commonwealth vs. Jno. G. Kasey, Treasurer Bedford Co., &c., 3 motions.**Commonwealth vs. E. H. Umberger, Sheriff Wythe Co., &c., 1 motion.**Montague's Admr., R. L. vs. Jno. E. Massey, Auditor.*

Chancery.

*Minor, Trustee vs. Carr, and others.**Commonwealth vs. B. T. Johnson and others.*

Teste:

ALFRED SHEILD, *Clerk*.

April 11, 1883.

I, George K. Taylor, clerk of the supreme court of appeals of Virginia, at Richmond, do hereby certify that General James G. Field, as attorney-general of the state of Virginia, appeared in said court as counsel for the commonwealth in the cases of John Kelly, surviving partner of Kelly & Larguey, against The Board of Public Works of Virginia, that said cause was finally determined on the 17th of February, 1881, and that said cause was omitted in the certificate given of causes finally decided on yesterday.

Given under my hand this 12th of April, 1883.

GEO. K. TAYLOR, C. C.

AUD. OFF., APRIL 12, '83.

Rec'd w't No. 4383, for 138 dollars.

JAS. G. FIELD.

No. 5182.

WYTHEVILLE, VA., MAY 4, 1883.

To S. BROWN ALLEN,

*Auditor of pub. acc'ts of Va.:*

In compliance with section 5, chap. 161, Code 1873, p. 1075, I hereby certify that it appears from the records of the supreme court of appeals at Wytheville, that J. G. Field, attorney-general of Virginia, appeared for the commonwealth and her officers in the following-named cases, heard and disposed of by the said court while sitting at this place:

1878, July 30th. Reynolds *vs.* Commonwealth.

1879, July 31st. Dean *vs.* same.

1880, July 15th. Commonwealth *vs.* Fields.

July 22d. Wright *vs.* Commonwealth.

August 10th. Hawley *vs.* same.

August 19th. Webber *vs.* same.

August 19th. Peters *vs.* Auditor Pub. Acc'ts.

1881, July 25th. Crite *vs.* Commonwealth.

July 28. *Ex parte* Leighton.

And I further certify that the fee taxed in this court in all such cases is \$20 each.

WM. C. PENDLETON,

*Cl'k supreme court of appeals, Wytheville, Va.*

The auditor will please pay the within certificate to Wm. M. Hill, cashier.

JAS. F. FIELD.

May 23d, 1883.

WM. M. HILL, *Cas.*

AUD'T OFF., May 24, '83.

\$180.

Rec't wt. No. 5182 for one hundred and eighty dollars.

PORTER SUBLETT.

No. 5297.

In the clerk's office of the supreme court of appeals of Virginia, at Staunton, April 20th, 1883.

I, James B. Dorman, clerk of said court, do hereby certify that it appears from the records of the court in this office, that Hon. J. G. Field, heretofore attorney-general of the state of Virginia, during his term of office, appeared here on behalf of the commonwealth in two criminal cases, to-wit:

1878—Sept. term. Andrew Kinney *vs.* Commonwealth, writ of error in case of indictment from Augusta co.

1880—Sept term. Wm. Lewis *vs.* Commonwealth, writ of error in case of indictment for felony from Clarke co.

And it does not appear that the said attorney-general appeared in any other criminal cases.

JAMES B. DORMAN, *Clerk.*

Please pay the within to West, Johnston &amp; Co.

JAS. G. FIELD.

AUD'T OFF., May 31, '83.

Rec'd wt. No. 5297 for 60 dollars.

WEST, JOHNSTON &amp; CO.

Ques. Captain Blair, the case of Thon *vs.* The Commonwealth was decided March 5, 1883, more than twelve months after you came into the office—no predecessor could have drawn any such fees as that prior to that date, could he?

Ans. Of course my predecessors under the authority of the fifth section of chapter 161 of the Code of 1873, must and did draw fees from the auditor outside of their salaries on certificates of the clerks. In the case of my immediate predecessor, he did not draw such fees until after the rendition of the opinion in Thon's case *vs.* The Commonwealth, nor were fees claimed by myself of this character. General Field had raised the question in the case of Thon *vs.* The Commonwealth and I waited its result, but since my term of office began under his construction of the act, he came to Richmond, got the certificate of the clerk of the court of appeals and of the circuit court of this city and of other courts, and drew from the auditor's office fees that he claimed that he had earned during his term of office. General Field did not draw any during his term of office, because the construction placed on the act before the rendi-

tion of the opinion of *Thon vs. The Commonwealth* had induced him and the clerks and the auditor to believe that the law had been so changed in regard to the fees of the attorney-general that the latter was not entitled to any outside of his salary. But immediately after the 15th of March, 1883, when *Thon's* case was decided, he came to Richmond and obtained from Mr. G. K. Taylor, clerk of the court of appeals, and from Mr. Shields, clerk of the circuit court, certificates showing as I understand it, commonwealth cases in which he had appeared before those courts, and I am informed by Mr. Robert D. Ward, my clerk, that that account was between \$1,400 and \$1,500; of course the vouchers in the auditor's office of my predecessor will show the fact.

Ques. You stated in the beginning of your last answer that of course your predecessors had drawn fees under the fifth section of chapter 161; you do not mean to say that after it was repealed by the act of April, 1877?

Ans. I mean to say this, that they drew fees upon the certificate of the clerks until the provisions of the fifth section of chapter 161 of the Code of 1873, were changed by the Acts of 1876-7, and that after the passage of that act of 1876-7, that the drawing of such fees stopped and discontinued not only during the continuation of that act, but also after the adoption of the act of 1877-8, until these several statutes were construed in *Thon's* case, and then my predecessor who went out of office the 1st of January, 1882, came back to Richmond during my term, and drew the amount of money I have referred to of \$1,400 or \$1,500, as the case may be, on these certificates of the clerks to the auditor.

Ques. Do these certificates of the clerks amount to any thing more than an exhibit of the number of suits the attorney-general appeared in and the fact that they had been determined in their respective courts?

Ans. I think that the auditor is as much required to pay the claim certified to him by the clerk of a court of competent jurisdiction as due to the attorney-general, as he would be to pay any other claim that is presented to him properly verified; in other words I think the certificate of the clerk has its validity, and that the form of the certificate would have continued but for the modification of the law, but that it is not the only mode by which such fees can be paid. Since the passage of this last act here, which as I have stated revives the fifth section of chapter 161 of the Code of 1873, touching perquisites, fees and rewards, and that now while as a matter of fact, a certificate of the clerk might not be actually necessary, but still it would be the strongest mode of proving the validity of the claim even under the last act. It is still as good as it was under the fifth section in Code 1873.

Ques. Who procured these certificates from the clerks in your cases, and in Attorney-General Field's?

Ans. Well, sir, I generally just asked my clerk to go to either the court of appeals or to Mr. Shields of the circuit court, and ask him to give a certificate showing the cases in which I was entitled to fees. Sometimes I went in person, but more frequently sent Mr. Robert D. Ward, my clerk. The clerk would take his book and would look over the cases of his court, certify them, and send them back to me. If I knew the cases I would make out a list and send it to him, and he would then verify it, and certify it. More generally the clerk did it himself, as having the cases before him.

**Ques.** Section 13 of chapter 181, which you have invoked as justifying these payments only authorizes \$2 50 to be taxed in common ordinary law suits, will you explain how the sum of \$8 is taxed in these suits?

**Ans.** I have not invoked section 13, chapter 181. When these cases in the circuit court first came up, I had never examined the fees the attorney-general was entitled to in that court, although I knew well that \$20 was the fee in the court of appeals. Mr. Alfred Shields, who is clerk of that court, and an experienced one, was at my office, and he and I discussed it. We turned to the Code under chapter 161, and we found that the fee under the old general court was \$8, and we found that in all cases where there were appeals from the decision of the auditor in that court, that that fee was allowed. We then took the cases against the county treasurers and various other forms of claims brought in the circuit court, and we determined that inasmuch as claims of that character were in the first instance presented to the auditor, if paid by him no trouble arose therefrom, if he refused to pay them that the remedy of the party was to appeal from his decision to the circuit court of the city, and as there was no other fee prescribed in cases of that sort, that by analogy to the old court, that fee was allowed.

**Ques.** In section 5 chapter 161 of the Code of 1873, in providing for fees to be paid the attorney-general, this language is used: "His fees in a circuit court, on an appeal from a decision of the auditor, shall be the same as are taxable in the general court;" and in the note at the foot of that section it is said: "The fee taxed in the general court was abolished; was \$8 in every case, except a judgment by default on a forthcoming bond." This 5th section of chapter 161 is plainly repealed by act approved April 4, 1877, Acts 1876-7, page 354. Since the repeal of that act, and in view of the express provisions of section 13, chapter 181, making the fee tax \$2 50, where do you find authority for taxing a larger fee than that?

**Ans.** In the first place, the \$2 50 fee that you refer to, is the fee taxed in civil cases, and not in commonwealth cases. In the next place, I have not admitted, but denied through the whole of my statement, that the 5th section, that you say has been repealed, has, as a matter of fact, been repealed in substance. The form of the 5th section may have been repealed by the act you refer to, but I insist that by the second section of the last act that it, as well as section 2, are revived and re-enacted; and that, that being so, that the \$8 fee as well attaches under the provisions of section 2 of the last act as it did under the 5th section.

**Ques.** Will you cite me to the language of the second section, as reviving or re-enacting, which, in the slightest way, refers to the amount of the fee to be taxed in any case, or in any other possible respect authorizing fees to be taxed as they were in the general court?

**Ans.** By the language of that section the very amount of the fee to be taxed is not fixed, but, as I have more than once said, it omits the exclusion of fees, perquisites, and rewards to the attorney-general, and thus, as it were, leaves to the court to certify what might be the reasonable allowance as perquisites, fees, or rewards; and upon the certificate of the clerk of that court, I think the auditor would be well justified in paying claims of that character. I do not, however, concede that the \$8 fee does not still attach, as under Code.

Ques. Was there any certificate in any of these cases of the court allowing a higher fee than \$2 50 or \$5?

Ans. The court never makes the certificate at all. The old law did not require a certificate of the court, but only of the clerk.

Ques. Without reference to the word certificate, did the court in any of these cases allow a higher fee than \$2 50 or \$5?

Ans. I do not know that the court, by its own act, did, but the clerk certified the fee, as under 5th section, chapter 161. For instance, on page 21, of the communication of the auditor, the clerk of the court of appeals, after giving a list of commonwealth cases in which the attorney-general appears, certifies that the legal fee taxed in said case in that court was \$20 each, regardless of the question as to whether the cases had been won or lost for the commonwealth. Such was also the habit of the clerk of the circuit court, and I undertake to say that if either of these clerks are called before this committee, they will so state.

By Mr. Moon :

Ques. Are you not mistaken as to the habit of the clerk of the circuit court, as see pages 32 and 33 of said communication, where the eighty-five cases above mentioned are enumerated, and no statement made of any tax-fee by the clerk?

Ans. He may have failed to do so in some of his certificates which I have not closely examined, but I am sure that there are some in which he certifies the eight-dollar fee to be the fee taxable by the court.

By Mr. Barton :

Ques. I would like you to look to pages 18, 19, 21, 23, 25, 31 and 33, in which these certificates are made by the clerk, and say in any one of them the clerk of the circuit court fixes any sum as taxed in those cases?

Ans. I think he does not, except merely to take the number of cases and aggregate the amount to which the attorney-general is entitled; but I know that it was never questioned by him, and I am under the impression that some of the certificates here, that I am not able to put my finger on now, do contain the eight-dollar fee.

Ques. Please point out a single case in which any such certificate is made by the clerk of the circuit court in such a summing up or aggregate given by him?

Ans. Well, I have looked over these returns of the auditor, and I do not see in them where he has particularized the amount; but he has treated the calculations at eight dollars per case in his court as the proper amount to which the attorney-general is entitled. I do find one of his certificates at the bottom of page 29, where Mr. Alfred Sheild, clerk of the circuit court of the city of Richmond, over his own signature certifies that the attorney-general appeared for the commonwealth in the following cases, and he puts fifteen dollars opposite the chancery suit and eight dollars opposite the commonwealth case. That was a case against Greenhow, treasurer for the commonwealth, and was of the character of cases that I have mentioned as entitling the attorney-general to eight dollars. I think there may be more, but I have not looked at them with reference to that.

Ques. If I am correct in thinking that \$2 50 is the proper fee to be taxed in these civil suits, how do you escape section 13 of chapter 181, that says: "In a case of the commonwealth, if no higher fee be allowed, five dollars," as proper to be taxed?

Ans. Well, sir, I think that is susceptible to very easy explanation. That is referring to the cases where the commonwealth attorney for the county or city is representing the commonwealth and is successful, and it implies that he shall be entitled to five dollars, if no higher fee be allowed; but it confirms my statement above that the court is not restricted to the amount even of the fee taxed, but has the right to allow a higher one, and further, that this five-dollar fee so referred to, does not apply to the circuit court of the city of Richmond in cases of this character, but to ordinary circuit courts, county and corporation courts, as the first of the section provides.

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NOVEMBER 13, 1884.

F. S. Blair recalled by Mr. Barton :

Ques. You yesterday cited the opinion or at least gave the fact of Attorney-General Field's receiving those tax fees as supporting the authority for your interpretation of the case of *Thon vs. The Commonwealth*. I read as follows of the written communication from Attorney-General Field: "In the winter of 1882-3, or perhaps in the spring of 1883, I received from the present attorney-general a kind letter, informing me that I was entitled, under the decision of the court of appeals in the case of *Thon vs. The Commonwealth*, to certain fees, which the auditor would pay me, upon certificates from the clerks of the courts. Some time after this letter was received, I was in Richmond, and the clerks furnished the proper certificates, and I drew from the auditor the fees allowed. My recollection is they were for services in the court of appeals at Richmond, at Wytheville, and at Staunton, and in the circuit court of the city of Richmond. For the whole time of my services of four years, I received between \$1,000 and \$1,200. The auditor's office will show the precise amount. I took what I was informed the court of appeals decided I was entitled to, no more, no less. The auditor is entirely mistaken when he says I interpreted the decision. I was never called on to interpret the decision of the court, or to construe the law of the legislature in relation to the matter." What have you to say to that?

Ans. I have this to say, that when, on yesterday, you asked me if I had consulted any lawyers as to their opinion as to the construction of the law, I told you that, among other opinions, that I had read the opinion of the court of appeals in *Thon's* case; that, if I wanted any other authority, that I could invoke the opinion of my predecessor, General Field, who himself had drawn fees upon certificates of clerks. It was not my desire to say, nor did I say, that in advance I had consulted General Field as to what his opinion was, but to say that he, as my late predecessor, had acquiesced after the decision of *Thon's* case, in the construction of that decision that I had placed upon it. There

was no purpose on my part to do General Field any injustice, as I have a great respect for him and his opinion. It was mere banter on the part of the questioner, for other lawyers to fortify his opinion, than any desire to do General Field injustice.

Ques. Then, as a matter of fact, General Field drew these fees at your suggestion, and on your opinion that he was entitled to them, and without the expression of any opinion on his own part. I do not mean to justify General Field in this, but I mean to inquire about the facts?

Ans. You have drawn your inference, and one which I think is unwarranted. I do not say or admit that I advised General Field to draw these fees, but as a matter of courtesy, he having been interested in the Thon case, I informed him of the decision and the effect of the decision, as understood by the clerk of the court, who so informed me, and who repeated that opinion as late as yesterday.

Ques. I understand that you rely upon the clerks of the courts to interpret the law to the attorney-general; is that correct?

Ans. Then your understanding is again at fault; as I stated yesterday, I do not recognize a clerk as a construer of the law, but where old clerks have been familiar with the construction placed on the law, it certainly should be persuasive.

Ques. It was not necessary for Gen. Field to be notified as to what the effect of Thon's case was, because when the application was made by him to have the \$20 fee taxed in the costs, and when the motion was made to correct the taxation, he must have known that if the court ordered the clerk to correct the taxation, that either upon the certificate of the clerk or such other evidence he could produce, that the court had so ordered, that the auditor would pay him his \$20 on his presentation of that proof?

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NOVEMBER 13, 1884—11 A. M.

All members of committee present.

Col. Morton Marye sworn and examined by Mr. Moon:

Ques. In your communication to the Senate, dated October 22, 1884, a list of 85 cases appears on pages 31, 32, and 33—all of them against Greenhow, treasurer; please state, if you know, what was the nature of those cases, and if they were suits to force coupons into the treasury in payment of taxes; if so, state what kind of taxes the coupons were tendered for?

Ans. These were all suits to compel the reception of coupons in payment of licenses; in all of them judgments were entered by consent of the attorney-general. I will file a certificate of the judgment in one of the cases. It was with reference to the fees in these suits that I addressed a letter to Attorney-General Blair requesting their return, alluded to in my communication to the Senate of August 20th, in response to a resolution of that body of August 16th, which I include as part of my answer.

Wyndham R. Meredith sworn and examined by Mr. Moon :

Ques. Please tell what you know in reference to coupon cases pending in the circuit court of Richmond city, in which you appeared for the state, and in which Attorney-General Blair also appeared; state your connection with them?

Ans. About the last of March I was appointed by the board of public works, counsel for the state in all coupon cases known as "coupon killer number one and two." No cases after my appointment had been instituted to my knowledge in any court in this city. I was therefore very much surprised to learn from Mr. Leake, of the firm of Sands, Leake & Carter, that coupon cases were being rushed through the circuit court of the city of Richmond, at the rate of from fifteen to twenty per day. On information received from Mr. Leake, I went over there and ascertained that such was the case. The cases I believe are the same as printed in the communication of the auditor of public accounts, on pages 31, 32, and 33. So surprised was I that I obtained one of the printed forms of verdicts in those cases, and hastened up to the office of the auditor of public accounts. I asked him how it was that these cases were being rushed through the circuit court without myself, Mr. Witt, commonwealth's attorney, or Mr. Tinsley, the collector against whom they were brought, being notified of them. The auditor expressed great surprise when I informed him that nearly one hundred of those cases had been passed through there in less than a week. He said that the number of judgments which were being paid in his office, was so great that he himself had sent for Mr. Tinsley, to ask him how it was. Mr. Tinsley had replied that these judgments were judgments rendered in certain old cases, about thirty-five, instituted before the late acts of assembly, and which after due consideration he had agreed to compromise with Col. Maury. When I informed him that all of those cases were new cases and had nothing to do with the compromise agreed upon between the auditor and Col. Maury, he directed me to take the proper steps in the circuit court of the city of Richmond. I think on the next day after notifying Col. Maury, I proceeded to move to set aside those judgments. The court declined to hear the motion until the return of the attorney-general, who was then absent, I believe, from the city. Shortly after that, the motion was made by myself in the presence of Col. Maury and the attorney-general, in such of the cases as the judgments had not been paid in. The attorney-general stated that he would consent to the motion and the court accordingly set aside the judgments in those cases. It refused, however, to set aside the judgments in those cases which had been paid. The attorney-general said that he was under the impression that he was authorized by Mr. Witt, to appear in these cases, and also authorized to appear under agreement with the auditor. In reply, I stated that I was authorized by Mr. Witt, to say that he had never authorized the attorney-general to appear in those cases for him, and that I was also authorized to state for the auditor who was then present in these cases, to state that he too had given no such authority to the attorney-general. During the time that I was examining the law preparatory to making my motion, I was informed by the auditor, that the attorney-general had been paid from the treasury of the state, \$8 in each one of these cases.

He requested me to see if there was any authority, either judicial or legislative, which warranted the payment of such fees. I should have said that in the conversation with the auditor, I stated as my opinion, that there was no warrant in the law for the payment to the attorney-general of any \$8 fee in each one of these cases. It was then that he requested me to furnish him with a written opinion, which I did.

Ques. For what sort of taxes were these suits brought?

Ans. My impression is that every one of these cases were license taxes, and I should state that the attorney-general, in reply to my motion in the circuit court, owned at the time he did not know that these were license cases.

Ques. Were judgments in these rendered for or against the state?

Ans. The judgments in every one of these cases were against the state, and they were all confessed. A suit would be instituted one day and judgment gotten the next. Several of these cases were down here from Lynchburg, brought against the collector of taxes in Lynchburg, and brought to this court.

Ques. By whom were they confessed?

Ans. I presume by the attorney-general; he so acknowledges, although the law required that process should be served upon the collector of taxes, against whom the suit was brought, and that these suits shall mature like other suits at common law. No process was ever served upon Mr. Tinsley, and the suits did not properly mature. Although the law required that an appeal be taken in every case in these cases, and subjected the commonwealth's attorney to a prosecution for failure to do so, yet the attorney-general, so far as I know, never took any appeal. In fact, it would have been useless, as there was confession of judgment.

#### Cross-examination.

By Mr. Blair:

Ques. Do you know of any other cases of the character of which you speak, in which you say judgments were confessed, except those in which Colonel R. L. Maury, an attorney of this state, was counsel for the plaintiff; if so, state what they were?

Ans. I do not know. I believe that in all these cases which I have referred to, Colonel Maury was counsel in, though I do not know the fact positively.

Ques. Do you know that before any judgments were taken in Colonel Maury's cases, to which you have referred, that both Colonel Maury and the attorney-general arose in the circuit court of this city and called the attention of Judge Wellford (the judge) to an arrangement suggested by Colonel Maury, that for every dollar of coupons for which judgments should be taken, that they would be funded into three per cent. bonds of the state of Virginia, and that these bonds would be sold to the board of sinking fund commissioners at the lowest market rate. Do you or not know that these were the circumstances under which the judgments named were taken?

Ans. As I stated before, I knew nothing of these cases until judgments had been rendered. Such a statement as is incorporated in the attorney-general's question I have seen published in the newspapers, under his signature, and also heard him state when he replied to me during the argument of my motion to

set aside these judgments. I never heard of any such statement by the attorney-general before the judgments were given, as I have before stated. Such a statement, however, may have been made to me on the morning that I made the motion, by Judge Wellford.

Ques. When the statement was made by both Col. Maury and the attorney-general, in your presence and Judge Wellford's, did he deny or dissent from it?

Ans. He did not say anything, as well as I recollect.

Ques. When you speak of rushing cases through court, and that suits were begun on one day and judgment taken on the next, do you not know that it is a very common thing for attorneys, when some cases have been matured on the docket, to save the counsel on the other side from having process executed, to acknowledge service of notice. Is there anything more frequent in the legal profession than that?

Ans. Yes; I have known counsel to accept service of process, and I have known counsel to confess judgment; but it is the first time in my experience that I have known a superior law officer to do these two things—accept process and confess judgment, thereby preventing an appeal which would accomplish anything from being taken, and placing the inferior officer in the position of perhaps being subjected to a criminal prosecution.

Ques. You speak of some statement in court by the attorney-general that he supposed he had the consent of Mr. Witt, the commonwealth's attorney. Was the statement not this: That the attorney-general had been in the habit of representing the commonwealth in all cases in the circuit court, and that Mr. Witt had represented the commonwealth in the hustings court of the city, and that he supposed that, regardless of law, that that was by consent; but that independent of any consent on Mr. Witt's part, did not the attorney-general open the Code of Virginia, and read from chapter 161 the requirement that he should appear in the circuit court of the city of Richmond in all cases in which the commonwealth was interested?

Ans. My impression of the attorney-general's statement is what I have before said. As to his reading from the Code, he is correct; but in reply, I read from the Acts of 1883-4, page 504, which is a special act on the subject of coupon cases of this character, and which prescribes that the attorney-general shall appear in all cases in federal courts, and that the commonwealth's attorney shall appear and defend all proceedings in any court of the commonwealth.

Ques. Are you acquainted with Col. R. L. Maury?

Ans. Yes, sir.

Ques. If so, state his profession and standing in Richmond city?

Ans. Colonel Maury is a lawyer of as high standing as any man as I know of in the commonwealth.

Ques. In the course of the remarks to which you refer as having occurred before Judge Wellford, was it not a question between you and the attorney-general as to which under the law was authorized to represent the commonwealth in those cases?

Ans. It was.

Ques. Was there any adjudication by Judge Wellford on your construction of the law in those cases; and were not the judgments, as you have stated, set aside by consent, except where the judgments had actually been paid?

Ans. The latter part of that statement is correct, and without recollecting Judge Wellford's exact language, I think he agreed with the attorney-general that he as well as myself was entitled to appear in those cases.

Ques. Do you know any of the circumstances under which the Lynchburg cases to which you have referred, were brought or removed to the circuit court of the city of Richmond?

Ans. I do not; I simply saw them on the docket.

Ques. You do not know by what order of removal or otherwise they were brought from Lynchburg?

Ans. I do not.

Ques. And do you know that process was executed in Lynchburg against Mr. Dunnington, the city treasurer?

Ans. I do not.

Ques. Then you referred in your foregoing answer to cases from Lynchburg having been rushed through the circuit court of the city of Richmond, without having any knowledge of the circumstances under which they came here?

Ans. I only had knowledge at the time when they were instituted, and when the judgments were obtained.

Ques. Have you any doubt in your mind independent of your construction of the law—for which I am not asking—have you heard the terms of the arrangement proposed to the court by Col. Maury, the lawyer of whom you speak, and which arrangement was assented to by the attorney-general, and if you do know that arrangement, state whether or not it would not have been very beneficial to the commonwealth?

Ans. Except what I have seen in the newspapers and hearing casually, and heard mentioned by the auditor as to the arrangement; I cannot, therefore, say whether it was advantageous or not.

Ques. Be good enough to state what you understood from the auditor to be the arrangement?

Ans. I am not prepared to say whether I can even recollect the general outline, but I think the same basis was agreed upon by Col. Maury and the attorney-general that was carried out in the old coupon cases.

Ques. State what that arrangement was, and if you got that information from the auditor that such was the arrangement?

Ans. I got it partly from the auditor and partly from what I heard the attorney-general state in the circuit court. My impression is, that provided the judgments were confessed in those cases, a certain amount of coupons were to be funded under the Riddleberger act, bearing 3 per cent. interest. That is all I recollect.

Ques. Then you do not know what amount of the six per cent. bonds were to be funded into three per cent. Riddleberger bonds by this arrangement?

Ans. I do not remember, sir, but I think that I saw the amount stated in a letter from Colonel Maury to the auditor with regard to the old coupon cases, if that was the basis of settlement of these new cases.

Ques. Then, without knowing what the arrangement was, you were prepared in your foregoing answers to say that you did not consider the arrangement advantageous to the commonwealth?

Ans. I never said any such thing. I did not say the said arrangement was disadvantageous, nor did I say the arrangement was advantageous; I was not positive on that question. I have never said whether the arrangement was advantageous or disadvantageous to the commonwealth.

Ques. You speak of some letter between Colonel Maury and the auditor; state what that letter was?

Ans. It was a letter written to the auditor, stating on what terms Colonel Maury was willing, with the consent of the auditor, to compromise the old thirty-five coupon cases brought in the circuit court before this new legislation was enacted. In that letter, my impression is that Colonel Maury gave, as one of the reasons why the auditor should agree to the compromise of these thirty-five cases, was that, since the enactment of the new legislation, no such cases could arise again.

Ques. Do you know what reception Auditor Marye gave to Colonel Maury in this regard?

Ans. The auditor stated to me that he and the attorney-general had agreed to compromise the thirty-five old cases on the basis mentioned in Colonel Maury's letter, but the auditor added that he had never consented to any compromise with regard to these new cases, especially as Colonel Maury's letter had stated that such new cases could not arise.

Ques. Did the auditor say to you that he had so advised the attorney-general?

Ans. I do not think he used the word "advised." I recollect he did say that both himself and the attorney-general had agreed to it.

Ques. You do not seem to have gotten my question. I ask you if Colonel Marye informed the attorney-general, after his receipt of Colonel Maury's letter, that he did not desire any further consent in the coupon cases, or was it in fact, so far as you know, that the first time any such knowledge of the dissatisfaction on the part of the auditor came to the attention of the attorney-general was after you had informed the auditor of what you state was the condition of the coupon cases in the circuit court?

Mr. Barton: I dislike to interfere at all in anything the attorney-general wishes to appear on the record, but our sole province is to inquire how much money the attorney-general drew from the treasury, and not to inquire into the performance or non-performance of the duties of his office, and I would respectfully suggest that this whole inquiry has nothing to do with the province of the committee.

Mr. Blair: I had supposed that the committee, in arriving at their conclusion as to whether the attorney-general had been paid fees to which the law did not entitle him, must first ascertain what that law is; and the attorney-general was simply proceeding to ask the witness in regard to the real circumstances under which the cases were tried, in which the fees were paid to him by the auditor.

Mr. Barton: I desire to state that the committee will look to the books for the law and not to witnesses, and it seems to me that this present inquiry is way beyond the question as to whether or not Capt. Blair is properly or improperly charged with \$744, and the time of the committee is being unneces-

sarily consumed in a matter that has not been referred to this committee by the House of Delegates.

Mr. Meredith (answering). As I have said, I do not know what took place with regard to the 35 cases between Col. Maury and the attorney-general, except the statement to me by Col. Marye that he and the attorney-general had both agreed to compromise the old cases. I do not know whether Auditor Marye had expressed any dissatisfaction about these cases before, but as he told me that he had never heard of these new cases until I called his attention to them, I would suppose he could not have expressed any dissatisfaction.

[Mr. Meredith stated that he wished the letter of Col. Maury to the auditor referred to, be placed on file as part of his record; which the chairman accordingly directed to be done.]

RICHMOND, VA., APRIL 4, 1884.

Col. MORTON MARYE, Auditor:

MY DEAR SIR:

I represent a number of suits now pending in the circuit court of this city, under "Coupon-Killer No. 2," upon about \$7,500 coupons.

It is probable that the state may be able to delay judgment in these cases for a twelve month or more, but that after that time she will certainly have to redeem them.

I have proposed to the attorney-general (who refers me to you) as follows:

That if the state will waive the delay, let judgment go, and redeem the coupons now (instead of, say a year hence), I will, by funding other of her securities, release her absolutely from the full amount so paid. The attorney-general authorized me to say to you that under the circumstances he would recommend its acceptance. The laws in force when these suits were brought, having been modified, such actions cannot be brought again; therefore there is nothing for the commonwealth to gain by defending them, save the delay of the year or so. As the acceptance of my proposal will result in the release of the state from double the amount paid, i. e. the amount of the coupons *paid*, and the amount *released* by the funding of the other securities, it would seem to be a very desirable exchange for the waiver of the delay.

Will you kindly consider the matter, and after consultation with the attorney-general, let me hear from you as soon as you can, as if the arrangement can be made, I would like to carry it out in time to enable me to offer the bonds I will receive in funding, to the commissioners of the sinking fund for purchase under the *Fitzpatrick bill*.

Yours, very truly,

RICHARD L. MAURY.

THURSDAY, Nov. 13, 1884—4 P. M.

All members of the committee present.

[The attorney-general appeared before the committee and furnished to the committee, a printed copy of the auditor's communication to the Senate of October 22, 1884, in which were marked those cases where the commonwealth won, and in which those not so marked, the commonwealth lost. The chairman instructed the clerk of the committee to make out a statement of the cases so marked by the attorney-general, from said printed communication, and a statement of those cases which were lost, with a summary of each class of cases. He said his clerk, R. D. Ward, and Mr. Taylor, clerk of court of appeals, had made up the statement, he supposed it correct, but did not know as he had not carefully examined it.]

List of cases in which the attorney-general appeared for the commonwealth, and which were decided in favor of the commonwealth :

1. Hendrick *vs.* The Commonwealth.
2. Wright *vs.* Same.
3. Davis *vs.* Same.
4. Arlington Turnpike Co. *vs.* Same.
5. Greenhow *vs.* Taylor.
6. Richardson *vs.* The Commonwealth.
7. Langhorne *vs.* Same.
8. *Ex parte* Thornton.
9. *Ex parte* Furgerson.
10. Antoni *vs.* Greenhow.
11. Tinsley *vs.* The Commonwealth.
12. Price *vs.* Same.
13. Balto. & Ohio R. R. *vs.* Hamilton, treasurer.
14. The Commonwealth *vs.* Lewis W. Wingfield—7 motions.
15. Same *vs.* Thos. F. Goode, ex'or Wm. Townes—7 motions.
16. Same *vs.* J. L. Davis.
17. Same *vs.* W. A. O. Cole.
18. Same *vs.* Jno. H. Chichester—3 motions.
19. Same *vs.* Jas. P. Riely—3 motions.
20. Same *vs.* Levi Hiett's ex'ors—3 motions.
21. Same *vs.* Jno. G. Kasey, treasurer, Bedford.
22. Taliaferro and Sureties *vs.* Massey, auditor.
23. Harry B. Gantt *vs.* Wm. E. Cameron.
24. Wm. L. Royall *vs.* Same.
25. Judge Holliday *vs.* Auditor.
26. Harbor Commissioners' case.
27. Sneed, &c. *vs.* Kean et al.
28. Childrey et al. *vs.* Rady et al.
29. Hutchings *vs.* Foster.

30. Beattie *vs.* Weisiger.
31. Fisher *vs.* Vaughan.
32. Owens *vs.* O'Brien.
33. Antoni *vs.* Greenhow, U. S. court.
34. Poindexter *vs.* Greenhow.
35. Branch *vs.* McGruder.
36. Balt. and Ohio R. R. *vs.* Blanton.
37. A. Austin Smith *vs.* Greenhow.
38. Sam'l C. Carter *vs.* Same.
39. Jno. Stewart *vs.* McGruder, treasurer.
40. Dan'l K. Stewart *vs.* Same.
41. Jos. Bryan *vs.* Same.
42. Twenty-two cases in Albemarle, &c. *vs.* A. Farrish.
43. Comm'th *vs.* B. C. Clark.
44. Same *vs.* Same.
45. Same *vs.* Same.
46. *Ex parte* Stone, liquor license case.
47. *Ex parte* Lester, liquor license case.
48. *Ex parte* Wilson, liquor license case.
49. Taylor *vs.* Com'lth.
50. Grangler *vs.* Same.
51. Com'lth *vs.* Edward T. Walker, treasurer Bedford.
52. Same *vs.* Same.
53. Commonwealth *vs.* L. L. Deakins, Tr. Greenville.
54. Eight more cases *vs.* Same.
55. Commonwealth *vs.* John G. Kasey, treasurer Bedford.
56. Nine cases *vs.* A. G. Cluk, cl'k cir. ct. Bath co.
57. Nine cases *vs.* Same, cl'k cir. ct. Bath co.
58. U. S. *vs.* Alex. Canal Company, &c.
59. Russell *vs.* Commonwealth.
60. White *vs.* Same.
61. Henderson *vs.* Same.
62. Taylor, acting treasurer, *vs.* Williams.
63. Kendrick *vs.* Commonwealth.
64. Mary M. Lyons *vs.* S. C. Greenhow, treasurer.
65. James Lyons, Jr., *vs.* Same.
66. Chamberlayne & Leigh *vs.* Same.
67. W. D. Blair & Co. *vs.* Same.
68. F. D. Hill & Co. *vs.* Same.
69. G. A. Lathrop *vs.* Same.
70. Muse, Watkins & Tracy *vs.* Same.
71. W. M. Parrish *vs.* Same.
72. G. E. Delarue *vs.* Same.
73. W. C. Seddon & Co. *vs.* Same.
74. Lancaster & Lucke *vs.* Same.
75. C. F. Taylor *vs.* Same.
76. Sclater, Myers & Co. *vs.* Same.

77. *Hutslers & Co. vs. Same.*
78. *Thompson & Mutti vs. Same.*
79. *George A. Clarke & Bro. vs. Same.*
80. *H. Cone & Sons vs. Same.*
81. *Fink Bro. & Co. vs. Greenhow, treasurer.*
82. *Ed. Jenkins & Co. vs. Same.*
83. *Selinger & Newman vs. Same.*
84. *E. Gleischer & Co. vs. Same.*
85. *A. Goldsmith vs. Same.*
86. *J. Krans & Co. vs. Same.*
87. *Rosenthal & Taylor vs. Same.*
88. *Bringham & Co. vs. Same.*
89. *Jas. G. Johnson & Co. vs. Same.*
90. *Fairlamb & Co. vs. Same.*
91. *D. H. Gordon's ex'ors vs. R. F. & P. R. R.*
92. *Eltu Abrams vs. Greenhow.*
93. *Campbell & Schoolcraft vs. Same.*
94. *H. L. Staples vs. Same.*
95. *Pleasants vs. Greenhow.*
96. *Anna Royall vs. Same.*
97. *A. Austin Smith vs. Same.*
98. *Harvey & Blair vs. Virginia.*
99. *Ex parte P. T. Moore.*
100. *Taliaferro's Sureties vs. Auditor Allen.*
101. *Jno. Enders vs. Greenhow.*
102. *Commonwealth vs. Sureties of Walker, treasurer, Bedford co.*
103. *Commonwealth vs. Same.*
104. *W. P. Turner vs. Board Sinking Fund Commissioners.*
105. *W. S. Dashiell vs. Same.*
106. *G. Ross vs. Greenhow, treasurer.*
107. *Jno. Enders vs. Same.*
108. *Andrew Hathe vs. Same.*
109. *Spratley & Howard vs. Same.*
110. *Kendall Bank-Note Co. vs. Bd. Sinking Fund.*
111. *McGruder, Wm. vs. Auditor Marye.*
112. *Balto. and Ohio R. R. vs. S. B. Allen.*

Number cases which were decided in favor of the commonwealth,	112
These cases mentioned on page 13, which are not included in the above,	18
	130

Amount of fees allowed in these cases per auditor's communication of October 22, 1884, is \$1,716.

List of cases in which the attorney-general appeared for the commonwealth, and which were decided against the commonwealth :

1. Hatchell *vs.* Com'lth.
2. Crump *vs.* Same.
3. Montague *vs.* Auditor.
4. Boyd *vs.* Com'lth.
5. Phoenix *vs.* Same.
6. Antoni *vs.* Greenhow.
7. Neal *vs.* Auditor Allen.
8. Pleasants *vs.* Same.
9. Dabney *vs.* Same.
10. Hatchell Oliver *vs.* Com'lth.
11. Com'lth *vs.* Smith.
12. Hopkins *vs.* Com'lth, oyster case.
13. Powell *vs.* Same, " "
14. Maltby *vs.* Same, " "
15. Boggs *vs.* Same, " "
16. Troister *vs.* Same, " "
17. Chandley *vs.* Same, " "
18. Johnson *vs.* Same, " "
19. McCandlish *vs.* Same, " "
20. McDaniel *vs.* Same, " "
21. Greenhow *vs.* Taylor.
22. Greenhow *vs.* Harrison.
23. Greenhow *vs.* Cringa, Watkins & Co.
24. Lewis *vs.* Whittle.
25. Blanton, commissioner, &c., *vs.* Southern Fertilizer Co.
26. Price *vs.* Commonwealth.
27. Taliaferro *vs.* same.
28. Allison & Addison, &c., *vs.* Blanton, commissioner.
29. D. H. Gordon, &c., *vs.* R., F. and P. R. R.
30. City Fire Insurance Co. *vs.* R., F. and P. R. R.
31. Same *vs.* same.
32. Commonwealth *vs.* B. C. Clark.
33. Same *vs.* same.
34. Same *vs.* same.
35. Kirby *vs.* Commonwealth.
36. Bayley *vs.* same.
37. Commonwealth *vs.* Schechels.
38. Same *vs.* Mister.
39. Same *vs.* Powell.
40. Same *vs.* Hopkins.
41. Same *vs.* Chandler.
42. Same *vs.* Johnson.
43. Same *vs.* Moore.
44. Same *vs.* Kane & Hickson.
45. Same *vs.* Guggenheimer & Co.

46. *Same vs. Lloyd Philips & Co.*
47. *Same vs. Meniffee & Lod.*
48. *Same vs. Hancock & Moorman.*
49. *Same vs. Jones, G. M.*
50. *Same vs. Davis.*
51. *Same vs. Christian.*
52. *Commonwealth vs. Bryd.*
53. *Same vs. Spruce.*
54. *Same vs. Watts & Co.*
55. *Same vs. Smith, G. W.*
56. *Same vs. Winfree.*
57. *Same vs. Watts, J. W.*
58. *Same vs. Hurt & Son.*
59. *Same vs. Lawson.*
60. *Same vs. Watts, R. T.*
61. *Same vs. Dillard.*
62. *Same vs. Steptoe.*
63. *Same vs. Jones, Watts & Co.*
64. *Same vs. Wall.*
65. *Same vs. Boyd's ex'or.*
66. *Hutchings vs. Bourne, &c.*
67. *Fisher vs. Vaughan, &c.*
68. *Owens vs. O'Brien, &c.*
69. *Beattie vs. Moon, &c.*
70. *Rhodes vs. Commonwealth.*
71. *Joyce vs. Same.*
72. *Cherry vs. Same.*
73. *Hairston vs. Same.*
74. *D. H. Gordon's ex'ors vs. R. F. & P. R. R.*
75. *Lewis vs. Commonwealth.*
76. *Chamberlayne & Leigh vs. Greenhow, treasurer.*
77. *J. H. Middendorfer vs. Same.*
78. *Slater, Myer's & Co. vs. Same.*
79. *R. L. Maury vs. Same.*
80. *Muse, Watkins & Tracy vs. Greenhow, treasurer.*
81. *C. F. Taylor vs. Same.*
82. *W. F. Holzoppel vs. Same.*
83. *A. Blunn vs. Same.*
84. *W. L. King vs. Same.*
85. *C. N. Schulte vs. Same.*
86. *W. H. Schluenster vs. Same.*
87. *H. Beckman vs. Same.*
88. *Joe Burke vs. Same.*
89. *Wm. Felthaus vs. Same.*
90. *Peter Echert vs. Same.*
91. *Theo. Jennings vs. Same.*
92. *Theresa Hartkin vs. Same.*

93. J. F. Wolf *vs.* Same.
94. Henry Metzger, Jr. *vs.* Same.
95. W. D. Blair & Co. *vs.* Same.
96. E. W. Thomas *vs.* Same.
97. M. McGlaughlin *vs.* Same.
98. J. J. Lillis *vs.* Same.
99. Jos. W. Bliley *vs.* Same.
100. Jno. N. Allison *vs.* Same.
101. Partridge & Richardson *vs.* Same.
102. Jos. Huke *vs.* Same.
103. Ed. Donahoe *vs.* Same.
104. Cath. Maggee *vs.* Same.
105. J. H. Keeley *vs.* Same.
106. Christian & White *vs.* Same.
107. J. Bernstein *vs.* Same.
108. N. Neurohr *vs.* Same.
109. M. E. Teeney *vs.* Same.
110. Hermann Schmidt *vs.* Same.
111. Philip Spee *vs.* Same,
112. G. L. Yeager *vs.* Same.
113. Charles Neisz *vs.* Same.
114. G. W. Taylor *vs.* Same.
115. H. Grasser *vs.* Same.
116. Andrew Ginter *vs.* Same.
117. Wm. Robenstein *vs.* Same.
118. Wm. Tucker *vs.* Same.
119. S. G. Tyler *vs.* Same.
120. A. Staude *vs.* Same.
121. Deane Schepers *vs.* Same.
122. G. Holzgrepe *vs.* Same.
123. Joseph Tolker *vs.* Same.
124. H. Holzgrepe *vs.* Same.
125. Ed. Cain *vs.* Same.
126. Kain & Bro. *vs.* Same.
127. B. M. Mahoney *vs.* Same.
128. Peter Euker *vs.* Same.
129. Daniel Miller *vs.* Same.
130. B. C. Metzger *vs.* Same.
131. John G. Toole *vs.* Same.
132. P. Pucini *vs.* Same.
133. W. T. Boze *vs.* Same.
134. M. Bosquet *vs.* Same.
135. S. Ullmann & Son *vs.* Same.
136. Ed. Sugroban *vs.* Same.
137. A. W. Rosen *vs.* Same.
138. Jacob Heckler *vs.* Same.
139. James Hartly *vs.* Same.

140. Henry Heuser *vs.* Same.
  141. Anderson & Ligon *vs.* Same.
  142. Ira F. Glazebrook *vs.* Same.
  143. L. Marchette *vs.* Same.
  144. D. O. Sullivan *vs.* Same.
  145. J. J. Kersey *vs.* Same.
  146. Lewis Euker *vs.* Same.
  147. Maxwell & Co. *vs.* Same.
  148. P. McGovern *vs.* Same.
  149. J. Wilkamp *vs.* Same.
  150. B. Wilkamp *vs.* Same.
  151. S. A. Moles *vs.* Same.
  152. J. M. Hulcher *vs.* Same.
  153. F. Hannigan *vs.* Same.
  154. B. Renke *vs.* Same.
  155. Jos. Holzgrepe *vs.* Same.
  156. D. Pasquini *vs.* Same.
  157. P. Dante *vs.* Same.
  158. G. Dante *vs.* Same.
  159. Bergner & Engel Brewing Co. *vs.* Same.
- Number of cases which were decided against the state—159.

Mr. Blair: I desire further to furnish to the committee, the report of the auditor showing the number commonwealth cases, as also the number of cases in the circuit court of the city of Richmond, in which Attorney-General Field appeared, and for which he drew fees upon the certificates of the clerks out of the state treasury, from which it appears that Attorney-General Field received \$1,498 from the public treasury, on the certificates of the clerks of the court of appeals of Virginia, and the circuit court of the city of Richmond, and which were presented to the auditor of public accounts and allowed; which said payments were made during the month of April, 1883, after the decision in Thon's case.

Adjourned to 10 A. M. the next morning.

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FRIDAY, NOVEMBER 14, 1884—10 A. M.

Committee present: Mr. Moon, chairman, and Mr. Bishop.

Mr. Blair: I request the committee that Governor Cameron be summoned to make his statement in regard to the fee in the Mecklenburg cases, and I expect to prove by him, that he not only directed, but ordered the service to be performed, and ordered the fee to be paid in that case, which being very material, I insist upon.

W. R. Smith, sworn at the request of Capt. Blair and examined as follows :

By Capt. Blair :

Ques. How long have you been in the auditor's office of this state?

Ans. Twenty years.

Ques. Under what administrations?

Ans. Bennett, Taylor, Massey, Allen, and Marye.

Ques. Are you a lawyer by profession or by license?

Ans. No license.

Ques. Are you by education?

Ans. Yes.

Ques. Since the rendition of the opinion by the court of appeals of Virginia, in the case of *Thon vs. The Commonwealth*, what has been your construction and the practice of this office in regard to fees taxed to attorney-generals in cases in which they have appeared for the commonwealth?

Ans. I never read the case of *Thon vs. The Commonwealth*; I never read the decision.

Ques. What has been the practice of the office?

Ans. After that decision, Auditor Allen directed the claims of the attorney-general for fees to be paid.

Ques. Upon what evidence were these fees paid?

Ans. Upon the certificates of the clerks of the courts as to the number of cases in which the attorney-general appeared in those courts.

Ques. I observe that on the 11th of April, 1883, that Attorney-General Field received at this office \$20 on fifty-six commonwealth cases, amounting to \$1,120, from the court of appeals at this place; that on the 13th of April, 1883, he received \$138 of fees for services rendered in the circuit court of this city; that on the 4th of May, 1883, he received \$180 in cases in which he appeared in the court of appeals at Wytheville; and that on the 20th of April, 1883, he received \$60 for cases in which he appeared in the court at Staunton, aggregating the sum of \$1,498. Please state under what circumstances those fees were paid and under what authority?

Ans. General Field presented the usual certificates of the clerks and they were paid by direction of the auditor, Captain Blair having previously drawn like fees.

Ques. Did General Field appear in person and present any account?

Ans. I recollect one account he did, for I paid it myself; I do not recollect about the others.

[The chairman directed that summons be issued for Richard L. Maury and G. K. Taylor to appear before this committee at 4 o'clock P. M., messengers having previously been sent for them at the request of attorney-general, without securing their presence. And also a note was directed to be written to the governor, asking his attendance this afternoon at 4 o'clock.]

FRIDAY, NOVEMBER 14, 1884—4 P. M.

All members of committee present.

Mr. W. R. Meredith, re-called at his own request, to correct portion of statement made yesterday :

I said that I had been appointed by the board of public works to attend to all coupon cases that might arise in the city of Richmond. That is hardly correct. My appointment was confined to cases in the hustings court, and it was agreed between Mr. S. B. Witt, the commonwealth's attorney of the city, that if I would accept the position I should have the management of all cases in which not only was I directed by law to appear, but also all in which the law directed the commonwealth's attorney to appear, and it was for that reason that I appeared in the cases in the circuit court of the city of Richmond.

The Chairman : The list of cases lost and won by the state, as set forth in the communication of the auditor of public accounts of October 22, 1884, which was made out and returned by the clerk of the committee, as directed by the chairman, has been submitted to Captain Blair and by him returned this evening.

Mr. Blair : So far as I am concerned, the paper was presented to me, and I have compared that with the other, and, in the limited time I have had, it seems to correspond with the printed copy of the auditor's report, which has been examined by Mr. Taylor, clerk of the court of appeals, and Mr. Ward, but as to the accuracy of either I cannot speak, which I endorsed, and returned correct, so far as I have means of ascertaining.

Col. Richard L. Maury, sworn at the request of the attorney-general, and examined as follows :

By Capt. Blair :

Ques. Col. Maury, were you counsel in certain coupon cases brought in the circuit court of the city of Richmond during the present year, and about which some controversy has been raised, to the effect that the attorney-general confessed judgment therein. If you know the class of coupons to which I refer, please say so, and then furnish the committee with all the information that you have in regard to them ?

Ans. I was counsel for the plaintiffs in a considerable number of suits in the circuit court of the city of Richmond, brought under what is known as "Coupon-Killer No. 2," in which, by virtue of an offer in the nature of a compromise made by me to the auditor and attorney-general, judgments were allowed to go in favor of the plaintiffs. In order to give an accurate account of the nature of that offer, which was made by me, it is necessary that I should go back a little anterior to the period at which that offer was made. In 1882, in the spring of 1882, Judge Crump and myself instituted a considerable num-

ber of suits in the hustings court of this city, under the act known as "Coupon-Killer No. 1," for the verification and the identification of coupons tendered for taxes. The attorney-general appeared for the commonwealth in those suits, and prevented us from obtaining judgments therein, except in three cases, for upwards of twelve months. Some time previous to the expiration of that twelve months, I made an offer to the attorney-general to this effect: that if he would allow judgments to go without any further difficulty—that is to say, if he would allow us to obtain judgments without interposing any further delays—that I would agree, on behalf of the plaintiffs, to surrender to the state, in consideration of these judgments being paid, an equal amount of other obligations of the state, without consideration; that is to say, that I would fund a sufficient amount of state bonds as that the amount released thereon would amount to the amount of coupons paid. The attorney-general declined that proposition, and in a few months we obtained a judgment, notwithstanding that, in all the cases, and collected them, without giving the state any consideration at all. Subsequently, I became associated with counsel who had a considerable number of suits in the circuit court of the city of Richmond, and which were then pending. In April, of 1884, or thereabouts, I determined to repeat this offer in reference to these cases. I saw the attorney-general about it, and he referred me to the auditor, and authorized me to say to the auditor that if he thought the offer an advantageous one for the commonwealth, that he, the attorney-general, would agree to it. I saw the auditor, and told him so; and, as the result of that conversation with the auditor, I addressed him a letter, and also one to the attorney-general, making the offer in writing. A few days afterwards I was informed by the attorney-general that my offer was accepted, and that the judgments could go. The judgments did go, and I complied with my portion of the agreement, by surrendering a large number of bonds to the second auditor for funding, and receiving in exchange their fundable value, thereby releasing the commonwealth from the full amount of the coupons thus agreed to be paid. During the pendency of this arrangement, I became counsel in numerous other cases, and I again communicated with the attorney-general, and asked him if our arrangement could be extended to those cases as well as the previous cases. He said that it could, and judgments went in those cases as well. Before all the judgments had been paid, the auditor sent for me, and, greatly to my surprise, informed me that he did not know that the arrangement had been extended to any new cases. I told him that I was entirely taken by surprise in learning that there had been any misunderstanding in the matter, but that as I did not desire for a moment to take advantage of any misunderstanding, I was quite willing to ask the court to set those judgments aside which had not already been paid. And in a few days afterwards that was done, and those judgments that had not been paid were set aside.

Ques. State what advantage inured to the state from the arrangement you have referred to as having been made?

Ans. In my opinion, both as a citizen and as a lawyer, I consider that very great advantages inured to the commonwealth from the arrangement which Mr. Blair made with me. By this arrangement, the commonwealth in paying a

given amount of coupons, say \$1,000, not only took in and cancelled those coupons, but, under act, I think of the 8th of March last, credited the principal of the bonds from which they were cut, by 73½ per cent. of their amount, say \$735, and also received without consideration, a given number of bonds bearing either 6 per cent. or 3, 4, or 5 per cent. as the case might be, given in exchange therefor, bonds bearing only 3 per cent. interest for \$1,000 of less amount.

Ques. Take \$35,000 as the basis of your calculation, what will be the profit to the commonwealth upon that amount under the arrangement referred to?

Ans. If \$35,000 of coupons were paid under the arrangement for example, the commonwealth not only received and cancelled the \$35,000 of tax receivable coupons, (which in my opinion she would have had to pay in money, sooner or later,) and she credited the principal of the bonds from which they were cut with \$25,725, but she obtained an absolute release from \$35,000 of her indebtedness, converted the sum of about \$105,000 of 6 per cent. bonds into \$70,000 of 3 per cent. bonds, and in addition, by the funding of so considerable an amount of bonds, she stimulated and encouraged to that extent, the further funding under the Riddleberger bill.

Ques. You took \$35,000 as the basis of your calculation, and you showed the process by which advantage accrued to the commonwealth by this arrangement; please state plainly what in dollars you think was the advantage on that \$35,000 basis?

Ans. According to calculation above, the advantage to the commonwealth was the absolute release from her obligation of \$60,725, and the conversion of \$105,000 of six per cent. indebtedness into \$70,000 of three per cent. obligation.

Ques. Mr. Meredith testified in this case, and stated that in addressing Judge Wellford of the circuit court, that I stated that I thought it was by consent of Mr. Witt, commonwealth's attorney of this city, that I was appearing in that court; do you not remember that I took the Code of Virginia, opened it, and read provisions from the Code to that court, that it was the duty of the attorney-general to appear for the commonwealth in all cases in the circuit court of the city of Richmond; what is your recollection?

Ans. I recollect your reading from the Code, but I do not recollect the language of the Code, the part you referred to to sustain that statement on your part.

Ques. Before the judgments were entered in these cases, the coupon cases you refer to, do you remember that both you and I arose and explained to his honor, Judge Wellford, the arrangement, and he agreed that it was an advantageous one, and that such orders should be entered in those cases and others of the same character?

Ans. Such was certainly done in reference to the cases at one time on the docket—namely, the old cases; and my recollection is that such was also done when the judgments were entered in the subsequent cases, but of this I am not so positive as I am of the first.

By Mr. Moon:

Ques. You do not mean to say that an order was entered in Judge Wellford's court, except to give judgment?

Ans. No, sir; I mean that before he was asked to sign the judgments, it was explained to him the arrangement that had been come to between the attorney-general and myself, in consideration of which judgments were to be allowed to go.

By Capt. Blair:

Ques. Was not the arrangement fully explained to Judge Wellford then, as you have now explained it to the committee, except the accurate calculation?

Ans. I cannot now recollect distinctly as to exactly what was said; my recollection is, that Judge Wellford was informed by both of us that an arrangement had been come to, by which the commonwealth, in consideration of paying these coupons, was to be released from an equal amount of her indebtedness; and I think he said that he thought it was the best arrangement that could be made, or something to that effect.

Ques. When the judgments were set aside at the instance of Auditor Marye, do you remember that I arose and addressed the court, and reminded him of the fact that the arrangement had been explained to him by you and myself at the time the judgments were rendered?

Ans. I think I do.

Ques. Did he then state that he had no recollection of it, or did he demur to my statement as incorrect, or acquiesce in it?

Ans. I do not think he controverted the statement in any way.

Ques. Will you state, Col. Maury, who you are; who your father was?

Ans. I am a lawyer in the city of Richmond; the son of the late Capt. M. F. Maury, formerly of the United States navy, and afterwards of the Confederate navy.

Ques. Were you a lawyer at Lexington at one time; if so, who was your partner there?

Ans. I practiced law for five or six years after the war, at Lexington, and was the partner of Gov. Letcher.

Ques. Have you and I any other relations, except those of members of the bar, who meet casually in the practice of the law?

Ans. None whatever.

Mr. Barton: I object to the whole of this testimony, and ask that the committee order that neither it or Mr. Meredith's testimony be printed, as being entirely extraneous to the matter before us, involving an expense of time, and upon a subject that we have no power to inquire into.

Mr. Blair: I protest against any exclusion of the evidence of Colonel Richard L. Maury, or any part thereof, and insist that he shall be properly reported to the House of Delegates for their information.

The chairman passed the motion by for the present.

G. K. Taylor, sworn at the request of Captain Blair, and examined as follows :

By Captain Blair :

Ques. Are you clerk of the court of appeals of this state ; if so, how long have you been such ?

Ans. I have been clerk of the court of appeals at Richmond for the past six years.

Ques. Have you also been clerk of the circuit court of this city ?

Ans. I was deputy clerk of the circuit court of this city.

Ques. What has been the regular habit of your office, as clerk of the court of appeals in this place, in taxing fees for the attorney-generals in commonwealth cases ?

Ans. I have given the attorney-generals a certificate that they appeared in all the cases that they did appear in in the court.

Ques. Have you given more than one attorney-general those certificates ?

Ans. I have given you certificates, and Attorney-General Field certificates also, for cases that he appeared in before your term of office commenced. I gave these certificates after the decision of the court in the case of *Thon vs. The Commonwealth* to Attorney-Generals Field and Blair.

Ques. Has your construction of that decision ever been brought in question to you by any member of the bar at that court ?

Ans. None at all.

By Mr. Barton :

Ques. At whose instance and request did you furnish those certificates ?

Ans. At the request of Generals Blair and Field.

Ques. What does Attorney-General Blair mean by your construction of a decided case of the court of appeals. What right have you to construe judicially cases in the court of appeals ?

Ans. The law in the Code required that I should give the attorney-general a certificate of the cases that were finally disposed of. That had not been done until this decision by the court in the case of *Thon vs. The Commonwealth*, for several years, but upon that decision being rendered, I was applied to for certificates under the old law and gave it.

By Captain Blair :

Ques. Do you remember the amount of fees that you paid to Attorney-General Field, that were certified by you. Do you remember that on the 11th of April, 1883, that you gave him a certificate for fifty-six cases at \$20 apiece, and that he drew \$1,120. Do you remember that fact ?

Ans. I remember the fact that I gave him the certificate ; the exact number of cases I do not recollect.

Ques. Did he apply more than once for a certificate ?

Ans. No, sir.

Ques. Got them all at once ?

Ans. Got them all at once.

Col. Morton Marye, re-called by Capt. Blair.

Capt. Blair:

Ques. You have a knowledge of the arrangement referred to by Col. Maury, that induced the judgments to be rendered in the coupon cases referred to in the circuit court of the city of Richmond; I ask you as auditor of public accounts of Virginia, whether or not in your opinion, that arrangement was or not advantageous to the commonwealth?

Ans. With regard to the first set of cases, those that were pending there before the passage of the amendment to the acts, coupon killer numbers one and two, I thought it was desirable that these cases should be compromised in the manner agreed upon for two reasons. First, it got rid of a lot of old cases which had been instituted under the law as it formerly stood, and which class of cases under the amendment could not be again instituted. It was desirable that a lot of decisions should not be published from time to time in these old cases after the passage of the amendment, by which the public mind would be confused. As regards the new cases for some reasons I think it was. If the whole debt could have been funded, I think it would have been a good arrangement, but whether it was desirable to make the arrangement with regard to a portion of the debt, I am doubtful, it might work the wrong way. If a special arrangement was made with regard to a portion of the debt, it might retard the funding of the balance, by parties holding off expecting to get special arrangements. If we could settle it all, I think it would have been.

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SATURDAY, NOVEMBER 15, 1884—11 A. M.

All members committee present.

Capt. Blair: I desire to say that there are several copies of my testimony taken. I have been furnished one copy by the committee which I find very inaccurate, and have corrected in many particulars. I return the corrected copy of my testimony herewith marked "A," and ask it to be filed.

The chairman of the committee directed the stenographer to report the corrected copy of the testimony, corrected by Capt. Blair himself, as the correct copy.

Capt. Blair: I move you to summons Col. S. Brown Allen, late auditor of public accounts, to appear before this committee in my behalf.

The chairman directed that Col. Allen be summoned.

Capt. Blair: I enter my protest against the declaration of Mr. R. T. Barton one of the committee, touching the relevancy of testimony in this case, and declaring for himself, what is the issue and the only issue in the case, all of which is respectfully submitted.

Mr. Barton: The declaration against which this solemn protest is entered, was made in a conversational way to Capt. Blair himself, by way of explaining to him what Mr. Barton thought was the duty of this committee, and what he thought was embraced in the resolution directing this inquiry, and was not intended as a conclusion on his part, of what he, as one of the committee ought to do.

Capt. Blair: My reply to Mr. Barton's statement, is that I would not have entered this protest this morning, but for the fact that time and again during this investigation, Mr. Barton has declared what he thought to be the issue in the case, and the only issue in the case, in other than mere conversational terms with myself before the committee.

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MONDAY, NOVEMBER 17, 1884—10 A. M.

All members of committee present.

[At the request of Capt. Blair a letter from Mr. Micajah Woods, dated February 13, 1883, was made a part of his evidence.]

R. D. Ward sworn and examined by Attorney-General Blair:

Ques. With how many attorney-generals of this state have you served either as secretary or clerk?

Mr. Barton: I object to the inquiry that this question involves, as entirely departing from the resolution addressed to this committee by the House of Delegates, and I ask for the ruling of the committee on the point.

The committee overruled the objection.

Ans. I was connected with the attorney-general's office during the late Mr. Taylor's administration, not as a paid clerk because there was no pay attached to the office then, but with the understanding that I should do whatever clerical duties he desired and had his office as my law office. I was connected in the same way with General Field's office for about two years; and since with Attorney-General Blair's office as clerk under act of General Assembly.

Ques. You began on the 1st January, 1882, with me?

Ans. I have been with you ever since you have been in office.

Ques. Something has been said in this case about the exhaustion of the contingent fund allowed to the attorney-general's office; will you state how the business and litigation in court of Attorney-General Blair's administration compares with those of his two predecessors with whom you served?

Ans. Well, I cannot state accurately—I cannot make an accurate comparison; but I will say that the business in General Blair's administration has been very largely greater than, in my judgment, any attorney-general has had to perform since the war, and I have been generally acquainted with the duties of the office since the war. The act in the Code, page 161 section 1, I think it is, pre-

scribes that the attorney-general shall answer in writing only those questions propounded to him in writing by the governor and heads of departments here in the capitol. That is about the amount of it. And as a general rule, former attorney-generals simply discharged that duty, which they were required to do by law; but they did not answer in writing all questions of all sorts, about every conceivable matter under the sun, which was written to them by people all over the commonwealth. Gen'l Field, particularly, had a printed form of letter, which he sent to his general correspondents, stating that it was no part of his duty to answer all such questions, and referred them to the section of the Code which I have just mentioned, to show the fact, and saying that he would be very well pleased to do so, but from the fact that it was no part of his official duty, and he had no time. Since Gen'l Blair has been in office he has made it a rule to answer all letters from everybody, about everything—as to all inquiries from all sub-officers in the state, and all sorts; and there have been a great many of them constantly writing to him about the way they ought to perform their duties, and he has always answered them. It is impossible for me to tell how many letters he has written, but thousands, as I have had to write most of them, and I know; and I have thought he has carried his letter-writing to too great an extent, as the other attorney-generals did not do it, and the attorney-general is not required by law to do it.

Ques. You refer then to inquiries from sheriffs, treasurers, commonwealth attorneys, and other officers, who wrote inquiring as to questions of law?

Ans. I do; and to all individuals making inquiries about matters of law, and the construction of law that pertained to their own interests.

Ques. Was this attended with considerable expense in the matter of stationary and postage, or otherwise?

Ans. It was, necessarily.

Ques. Do you know of any outlays in the present attorney-general's office, that were not necessary for the efficient execution of the duties of that office?

Ans. I do not know that I am a judge of that, but my opinion has always been, that the attorney-general's office has never had, and has not got now, a sufficient law library to enable the attorney-general to discharge his duties as efficiently as he ought to do.

Ques. When I came into office, do not you know the fact that there was not even a complete set of Virginia reports?

Ans. Yes, I know that fact, and I know that there has not been in the attorney-general's office since the war, until now.

Ques. In the immense number of coupon cases that came up under the legislation of 1881-2, was it not necessary often for the attorney-general to purchase reports, giving decisions upon important cases in which he was engaged for the commonwealth?

Ans. Well, my opinion is it was, and these books now belong to the state.

Ques. During the years 1882-3, was not the attorney-general constantly attending the different federal and state courts in resisting Mr. Royall and others in coupon cases and others?

Ans. He was, very often.

Ques. Something has been said about a Mecklenburg fee of \$1,000, paid to

Attorney-General Blair for representing the state's interest in the courts of Mecklenburg; will you please state, if you know, by what authority the attorney-general discharged that duty, and by what authority that fee was paid to him?

Ans. All I know about it is, that I heard the governor say that it was done by his authority, and he ordered the payment of it.

Ques. There is also another case of the Roanoke navigation company in the state of North Carolina; do you know by what authority that service was done by the attorney-general, and under what authority that fee was paid to him in that case?

Ans. I make the same answer to that question that I made in regard to the Mecklenburg case.

Capt. Blair: I desire here to refer to Acts 1881-2, pages 80 and 81, to the joint resolution of the General Assembly of 1881-2, instructing the attorney-general to institute such proceedings and pursue such methods as were proper to recover the state's interest in the Roanoke navigation company, both in Virginia and in North Carolina, and authorizing the governor to pay him such compensation therefor, as, in his opinion, he might see proper.

Ques. Will you state, if in the Roanoke navigation case, Attorney-General Blair visited North Carolina; and if so, upon one occasion who accompanied him?

Ans. My impression is, that he went there twice; upon one occasion I went with him myself to Halifax, to look over accounts and settle up the matter with Commissioner Hill.

By Mr. Moon:

Ques. Against whom was the case in Mecklenburg pending?

Ans. My impression about that, is this: That there was a whole parcel of delinquent treasurers and sheriffs that owed the state a large amount of money, and that they were pending against them to recover the money for the commonwealth, and that there were some suits in which their property was involved, and the money could not be directly obtained, and he went down there to attend to it. The judgments were obtained in the circuit court of the city of Richmond, and sent there for collection, and they could not be collected against a number of these people.

Mr. Moon (interrupting):

Ques. Do you remember the names of them?

Ans. I think Wimbish was one of them. I would like to say this in relation to the books of the attorney-general's office: I do not mean to say positively that there was not some of the Virginia Reports in the attorney-general's office during the administration of Mr. Taylor and General Field, but I do not think there was a full set, and I am sure that there has never been sufficient books in the attorney-general's office—certainly since 1865, and I do not think there was before. There were some books I noticed in General Field's office and Mr.

Taylor's office that had "attorney-general" on them, but when you came there they were all scattered, and I am certain there was not a full set.

By Mr. Blair:

Ques. Is it not true that when I came into the office I had to purchase everything necessary to furnish the office, including desks, chairs and carpet, and even smaller matters?

Ans. Yes, sir; when you came there there was no office at all. You had to rent one and furnish it.

Ques. Can you refer to the provision of the law, either in the Code of 1873 or the Acts of 1877-8, that puts its finger upon every court in which the attorney-general shall practice and his salary; if so, what is it?

Ans. Well, since I have been conversant with the attorney-general's office, I do not know particularly about the act; I cannot refer particularly to the acts just now, but I know the general purport of them; since I have been conversant with the attorney-general's office it has always been prescribed in the law what courts the attorney-general shall attend, and that law has been changed once or twice—I do not know how many times—so as to make now the duties of the attorney-general extend to more courts than it has to any other attorney-general.

Ques. I will ask you to refer to Acts of 1877-8, page 174, section 2, and see if that does not prescribe the very courts in which he shall appear?

Ans. Yes, sir; and that is more courts than was previous to that time.

Ques. Will you just give the courts there?

Ans. (Reading). He shall appear as counsel in the supreme court of appeals, the supreme court of the United States, district and circuit courts of the United States, and the circuit court of the city of Richmond.

Ques. Do you find the circuit court of Mecklenburg county or any other circuit court of the state except the circuit court of the city of Richmond embraced in that act?

Ans. No, sir.

Ques. State what has been your habit as to fees certified by the clerks in the different courts of Richmond in which I appeared for the commonwealth?

Ans. Well after the case of *Thon vs. The Commonwealth* was decided, Capt. Blair got them to make off a list of the cases in which he had appeared for the commonwealth in their courts, from time to time as he appeared in them after they had been decided, and they gave him a certificate of the number, and the taxation of costs in them. It was the impression of Mr. Taylor, clerk of the court of appeals, and as far as I know of the bar generally, that the attorney-general under that decision, was entitled to taxation of costs in the cases he appeared for the commonwealth.

Ques. Certificates were then furnished you by the clerks?

Ans. Yes, they were given me by the two clerks—the clerk of the circuit court, and the clerk of the court of appeals.

Ques. And brought by you to whom to be audited?

Ans. Well I brought them back to you and they were brought up here; sometimes I did, and sometime I did not, but they were sent up here to be audited by the auditor, and were always paid.

Ques. Is it not also a fact that Attorney-General Taylor drew fees upon certificates of clerks under the act of 1873, before the amendment of 1876 was made to it?

Ans. I do not know the fact, but my impression is he did, because he was clearly entitled to do so by law at that time.

Ques. Have you examined and found that Attorney-General Field did draw such fees as are now referred to?

Ans. Well yes, I know he did since he came out of the office, since the decision in Thon's case.

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MONDAY, NOVEMBER 17, 1884—4 P. M.—GOVERNOR'S MANSION.

Present all of committee.

Gov. William E. Cameron examined by Capt. Blair, as follows:

Capt. Blair:

Ques. Gov. Cameron, there was a fee allowed me as attorney-general, in what are known as "Mecklenburg cases"; please state if you remember the auditor of public accounts calling your attention to this claim, and advising you that it should be collected; and if so, whether you either directed or approved the action of the auditor in the payment of the fee to the attorney-general?

Ans. Somewhere in the year 1882 I had a visit from the attorney-general and the then auditor, Mr. S. Brown Allen. The auditor informed me that the treasurer of Mecklenburg county was a defaulter, or was in defalcation—my judgment is, about \$48,000, but I do not remember; I cannot remember all of these facts. The auditor said to me that judgment had been obtained in the circuit court of Richmond, against the securities on the bond of said treasurer of Mecklenburg county. My recollection is, that the treasurer's name was Lewis Wimblish—that is my recollection; and that William Townes, Sr., then dead, had been the security on the bond. I knew that the estate of William Townes, Sr., was good for many thousands of dollars, and I did not understand why the state could recover nothing on this forfeited bond. I did not know whether anything had or had not been collected, until the fact had been so reported to me by the then auditor of public accounts, who came to me accompanied by the attorney-general; then the statement was made to me by the auditor, that he could not collect any portion of the debt due to the state; the attorney-general was present. The latter officer is my legal adviser, so far as methods in court are concerned. I am directed by law to accept the advice of the attorney-general. The auditor of public accounts, in my judgment, is responsible for such payments as he may make. I distinctly remember that assuming the premises which the auditor of public accounts stated to me in connection with the debt due from the defaulting treasurer of Mecklenburg county, I instructed both officers to institute such proceedings as should be necessary to recover to the state money which I believed to have stolen from it. Gentlemen, there my testimony ceases. I do not know anything more, unless elicited by questions.

**Ques.** When the account for the fee was presented by the auditor, did you not approve it and order it to be paid to me?

**Ans.** I cannot remember, sir, to save my life. I have been unable to get from the office an account. If I did approve it I wrote my name on it, but I certainly remember ordering the service to be performed; as to the remuneration of the service I cannot remember anything about it. It is impossible for me to do so. I mean as to the amount of the remuneration. I could not remember unless you were to go into the auditor's office and find out whether I ordered the payment or not; if I did it is there, but if the payment was ordered by consultation, when the auditor was entirely responsible, of course the then auditor would be the proper witness whether he had my advice about it. I cannot on examination find that the amount of remuneration was ordered by me, but I do most unhesitatingly state that the service was ordered by me, and approved by me, whether I had the right to approve or order it or not, but I did so order that step to be taken.

**Ques.** When the auditor came to you after the services were rendered, was it not on your approval that the warrant was issued by him?

**Ans.** I cannot swear, Captain Blair, that the auditor came to me after the services were performed. I cannot say that any rendition of bill was made to me. I can say that, in view of the results obtained, if the account had been presented to me, I should have said it was reasonable and proper if I had the lawful right to order the payment. I have no recollection, after the judgment was enforced in Mecklenburg county and the money collected for the state, that the account of the attorney-general for recovering same was ever presented to me; but my memory is distinct that under the representations of the auditor and attorney-general I authorized the proceeding, and that having been informed of the amount recovered, I should, so far as my legal authority extended, have approved of the attorney-general's fee if presented to me. But I am satisfied that the payment to the attorney-general should have been made from the auditor's office under the authority and responsibility of that office, because only that officer could determine what the rate of payment should be and from what fund it should be; and I wish to add that if the account was presented to me, or had been presented to me, or could be presented to me, and I had any legal right to determine, I should have concluded that a matter neglected for so many years entitled the party who had made the gain for the state, out of it, to a reasonable compensation therefor. Now, gentlemen, unless you want to ask me some more questions, I have nothing more to say. Under the implicative orders of the General Assembly I frequently sent the attorney-general, of my own motion, to protect and carry out the debt settlement, to courts in which he is not required to appear.

[Mr. Ward filed a postal card as part of his testimony in relation to Gen'l Field answering letters.]

*Copy of Postal Card filed by Mr. Ward.*

ATTORNEY-GENERAL'S OFFICE,  
RICHMOND, VA., 187 .

• The 1st, 2d, and 3d sections of chapter 161, Code of 1873, page 1,074, prescribe the duties of the attorney-general. These duties make it *impossible* for him to reply to letters, or answer questions of extra-official correspondents, however agreeable it would be to him personally to do so. The above must be accepted as an answer to yours of        day of        187 .

JAMES G. FIELD, *Att'y Gen'l.*

[The auditor filed statement dated November 17, 1884, as part of his testimony, showing cases mentioned in his report of the 22d October, 1884, in which money was paid into the treasury, and the amount of the attorney-general's tax in each case.]



COMMUNICATION

FROM THE

Railroad Commissioner of Virginia

TRANSMITTING

CORRESPONDENCE RELATIVE TO THE BURKEVILLE  
CONNECTION.

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COMMONWEALTH OF VIRGINIA,  
OFFICE OF THE RAILROAD COMMISSIONER,  
RICHMOND, November 22, 1884.

*To the House of Delegates:*

I have received the following resolution from your honorable body, to-wit:

*"Resolved,* That the railroad commissioner be requested to ascertain and communicate to this body, as soon as practicable, the causes that have induced the Richmond and Danville and Norfolk and Western railroads to abolish all passenger connection at Burkeville."

To which I reply as follows:

Having learned that the Richmond and Danville and Norfolk and Western railroads had failed to make their usual connections, I addressed, on the 9th day of April last, official letters to the proper officers of both roads, inquiring the reason therefor, to which they promptly replied. I herewith respectfully submit all of said correspondence. The said replies being unsatisfactory, I proceeded to Burkeville junction with my clerk and expert, and found that inconvenience to the public was occasioned by the said railroads failing to make the usual connections. I have endeavored to impress the officers of the roads with the importance of re-establishing passenger connections, as formerly, at said junction, but so far have failed to impress my views upon them. On receiving your resolution, above mentioned, I again wrote to the officers of said roads,

calling their attention to your action in the premises. I received a reply from the vice-president of the Richmond and Danville railroad, which I also submit for your consideration. I have been waiting to this, for a reply from the officer of the Norfolk and Western railroad, but have received none, and thinking that I might delay your honorable body in any action that you may see proper to take, I have concluded to submit this communication without said reply. I have no official power to compel said roads to make passenger connections at said crossing, and therefore respectfully submit the whole matter on said facts to the General Assembly, for such action as to them may seem meet and proper.

Your obedient servant,

G. A. MARTIN,  
*Railroad Commissioner of Virginia.*

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[Copy.]

COMMONWEALTH OF VIRGINIA.

OFFICE OF THE RAILROAD COMMISSIONER,

RICHMOND, April 9, 1884.

Col. A. L. RIVES, *Vice-Prest. and Gen. Manager,*

*Richmond and Danville R. R., Richmond, Virginia:*

DEAR SIR:

Numerous complaints have come to this office in the last few days in reference to the failure of your road and the Norfolk and Western to make connection at Burkeville, and passengers by either road to points on the other, are compelled to lie over at Burkeville for several hours. I would respectfully call your attention to the law creating railroad commissioner (a copy of which I enclose), and I hope that the managers of both roads will so adjust their differences that the traveling public will be put to no further trouble or delay.

I have sent a like communication to Joseph H. Sands, Esq., general superintendent Norfolk and Western railroad.

Soliciting an early reply,

I am, very respectfully yours,

GEO. A. MARTIN, *R. R. Com'r.*  
By K.

## OFFICE OF VICE-PRESIDENT AND GENERAL MANAGER,

RICHMOND, VA., *April 14, 1884.*

GEO. A. MARTIN, Esq.,

*Railroad Commissioner of Virginia, Richmond, Va.:*

DEAR SIR:

I have the honor to acknowledge the receipt of your favor of the 9th instant. The failure of this road and the Norfolk and Western railroad to make close connection at Burkeville is due to the fact that the schedules of both roads are adjusted to make close connections with the roads at their terminal points, and at the same time to furnish as full facilities as practicable for the majority of the people along their lines; and it is, therefore, impracticable to bring such trains to the crossing for a close connection. To meet this difficulty, this company has for several years maintained a special train between Burkeville and Richmond, making connections with the Norfolk and Western through trains, which, as they were formerly run, brought passengers here in the morning, and took them out in the afternoon, and thus giving an opportunity to serve also the local travel at intermediate points; and although both the joint business with the Norfolk and Western railroad and the local travel combined were insufficient to pay the running expenses, we were willing to maintain it as a convenience to the communities served by it. Early in January the Norfolk and Western changed their schedule, so as to require our special train to leave here in the morning, and return late in the evening, and thus precluding our local passengers from the privilege of coming to Richmond and returning without incurring the expense of staying here over night. We met this change, but at the same time informed the Norfolk and Western officers that we were satisfied that a train which gave no accommodation to our local line would not give business enough to justify its continuance. Careful observation soon demonstrated this to be a fact, and we so informed the Norfolk and Western, and that unless the schedule for this special train was such as to accommodate our local interests, it would have to be discontinued. In reply, we were informed that an early change was determined by that road, which would be put in effect about May 1st, and which would not only not meet the wants of our people, but would require us to keep two trains and crews for a service which did not pay the expenses of one, and feeling that there was no longer the hope of getting a schedule that would even approximate the payment of expenses, we were compelled to discontinue the train. We are, however, ready at any time to join the Norfolk and Western railroad in such a schedule as will accommodate our joint travel and the local business of our line, and will take pleasure in reopening the subject with them whenever there is an opportunity to accomplish this want.

I have the honor to be your obedient servant,

A. L. RIVES, *V. P. & G. M.*

[Copy.]

## OFFICE OF VICE-PRESIDENT AND GENERAL MANAGER,

RICHMOND, VA., April 14, 1884.

GEO. A. MARTIN, ESQ.,

*Railroad Commissioner of Virginia, Richmond, Va.:*

DEAR SIR:

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We are, however, ready at any time to join the Norfolk and Western railroad in such a schedule as will accommodate our joint travel and the local business of our line, and will take pleasure in reopening the subject with them when there is an opportunity to accomplish this result.

I have the honor to be,

Your obedient servant,

(Signed)

A. L. RIVES,  
V. P. and G. M.

[Copy.]

COMMONWEALTH OF VIRGINIA,  
OFFICE OF THE RAILROAD COMMISSIONER,  
RICHMOND, April 9, 1884.

Colonel JOSEPH H. SANDS,

*General Superintendent Norfolk and Western railroad, Roanoke, Va.:*

DEAR SIR:

Numerous complaints have come to this office, in the last few days, in reference to the failure of your road and the Richmond and Danville to make connection at Burkeville, by which failure passengers by either road to points on the other have to remain at Burkeville several hours, which is a serious inconvenience to the public. I would most respectfully call your attention to the law creating a railroad commissioner (a copy of which I enclose you), and I would suggest that the managers of both roads adjust their differences, so that the traveling public will not be put to further delay or inconvenience.

A like communication has been sent Col. A. L. Rives, General Manager Richmond and Danville railroad. Soliciting an early reply,

I am very respectfully yours,

GEO. A. MARTIN, *R. R. Com'r.*

By K.

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NORFOLK AND WESTERN RAILROAD COMPANY,  
ROANOKE, ROANOKE COUNTY, VA., April 11, 1884.

GEORGE A. MARTIN, Esq.,

*Railroad Commissioner, Richmond, Va.:*

DEAR SIR:

I beg leave to acknowledge receipt of your favor of the 9th, relative to "numerous complaints being made at your office in the last few days, in reference to the failure of the Norfolk and Western and Richmond and Danville roads to make connection at Burkeville."

I beg leave to advise you, in regard to this matter, that it is beyond my power to control the actions of the Danville road. Our schedules remain as before, but the R. and D. people, finding that the connections with us at Burkeville didn't pay them, naturally withdrew their train. While I would like very much, indeed, to arrange our schedules for the accommodation of our Richmond and Lynchburg patrons, I really do not see how we can be expected to do so when we find that by doing so we actually lose money.

Truly yours,

JOSEPH H. SANDS,  
*General Superintendent.*

## OFFICE OF VICE-PRESIDENT AND GENERAL MANAGER,

RICHMOND, VA., *November 18, 1884.**Hon. GEO. A. MARTIN,**Railroad Commissioner of Virginia:*

DEAR SIR:

I have the honor to acknowledge receipt of your letter of 14th instant (just at hand this A. M.), enclosing a resolution of the legislature of Virginia in regard to passenger connections with the Norfolk and Western railroad at Burkeville.

I beg to remind you of my letter of April 14, 1884, in reply to a letter from yourself upon the same subject, and to enclose you copy of said letter, which sets forth the position of this company in this matter. I desire only in addition, to call your attention to the fact that this company is now running daily two passenger trains in each direction over the whole length of its line, besides a local train between Coalfield and Richmond, while the Norfolk and Western railroad runs only one train, in each direction, between Petersburg and Lynchburg, which passes Burkeville at such hours that to make connection with it would require this company to maintain two additional trains and crews, each doing about one-third only of average service.

I desire to assure you again that this company is ready, as it has always been, to re-establish a close passenger connection at Burkeville whenever such connection can be made at such times as will fairly accommodate the business of Richmond, and the local travel between the two roads, and along our own line, without sacrifice of revenue.

Very respectfully your obedient servant,

A. L. RIVES,  
*Vice-Pt. & Gen'l Mgr.*





COMMUNICATION

FROM THE

Governor of Virginia,

RELATIVE TO

MARYLAND AND VIRGINIA OYSTER INTERESTS.

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COMMONWEALTH OF VIRGINIA,

GOVERNOR'S OFFICE,

RICHMOND, November 26, 1894.

*To the Speaker of the House of Delegates:*

SIR:

In order that unnecessary proceedings by the General Assembly should be prevented, I desire through you, to communicate the fact, that the governor of Maryland has ordered the discharge of the Virginia vessels and citizens taken by the police boats of that state, in the Potomac river, on the 18th inst.

The several communications I have from Governor McLane, set forth his entire concurrence with my construction of the joint act regulating fisheries, &c., in the Potomac river, and satisfy me that no action need be taken by the General Assembly to protect the rights of our people.

Enclosed, find copies of the communications referred to. Be kind enough to have the originals returned me.

WILLIAM E. CAMERON.

STATE OF MARYLAND,  
EXECUTIVE DEPARTMENT,  
ANNAPOLIS, November 24, 1884.

*His Excellency Governor CAMERON:*

DEAR SIR:

I received your telegram yesterday morning, and answered when the office opened in the afternoon.

I have now to enclose a copy of instructions from the commander of Maryland state fishery force to the deputy commanders of the police sloop on duty in the Potomac river. Special instructions have been sent to the deputy commander of the steamer "McLane" to take the citizens and vessels of Virginia, arrested by him, to the nearest Virginia magistrate.

I hope our united efforts will be exerted to secure a proper understanding as to the construction of the local law of this state, chapter 463, of 1884, under which these arrests were made. It was intended to protect the tributaries of the Potomac against all dredgers, whether citizens of Virginia or Maryland. It ought not to interfere with the executions of the general oyster law of 1884, chapter 76, founded on the compact between Maryland and Virginia.

I have called the attention of the attorney-general to the subject, and I will communicate to you the result of my action.

Yours, very respectfully,

ROBERT M. McLANE.

## STATE OF MARYLAND,

OFFICE OF COMMANDER,

ANNAPOLIS, November 24, 1884.

Deputy LEMUEL SMOOT,

*Commanding State Sloop Katie Hiner:*

SIR:

I have to call your particular attention to the act of 1884, chapter 76, to regulate the taking of oysters in the Potomac river. This act forbids the taking of oysters in the Potomac river by any person other than citizens of Maryland or Virginia, and by virtue of the third section of the act, it is lawful for citizens of the states of Maryland and Virginia to take oysters in the Potomac river, after complying with the requirements of the law of the state of which he is a citizen, and any citizen of either state who takes oysters in the Potomac river without having complied with the requirements of the law of his state, shall be considered guilty of violating the laws of his state, and shall be prosecuted according to such laws. The fourth section of the act provides that all offences committed by persons or citizens of either state, may be punished by the magistrate or courts of either state, but offences committed by citizens of Maryland or Virginia, shall be punished by magistrates or courts of their respective states, and you are specially enjoined to respect these provisions of the law in arresting offenders, that all conflict of jurisprudence between the two states may be avoided. By the fourth section of the law, you may pursue any offender against this law beyond the boundary line of either state upon navigable waters, and arrest him whenever found upon such waters.

Respectfully,

JAMES I. WADDELL, *Commander.*

**TELEGRAM FROM GOVERNOR OF MARYLAND.**

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**ANNAPOLIS, MD., NOVEMBER 26, 1884.****To Gov. CAMERON:**

The steamer McLane returned here yesterday. Her commander did not receive the instructions sent by mail to deliver the arrested citizens of Virginia to the nearest Virginia magistrate. After full conference with him, and being informed that these parties were arrested for an alleged violation of the local law of Maryland, chapter 463, 1884, though actually in the Potomac river, near St. George's buoy, I have concluded that it is my duty to have them discharged, instead of delivering them to a Virginia magistrate for trial. I will communicate to you by mail, the letter I have dispatched by steamer to the state's attorney of St. Mary's county.

**ROBERT M. McLANE.**

REPORT  
OF THE  
SPECIAL COMMITTEE OF THE HOUSE

APPOINTED TO

INQUIRE WHAT SUMS HAVE BEEN ILLEGALLY DRAWN  
FROM THE TREASURY, TOGETHER WITH THE  
EVIDENCE TAKEN THEREON.

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*To the House of Delegates of Virginia :*

The undersigned, your special committee, acting under the resolution of your honorable body, passed November 18, 1884, directing your committee to make certain inquiries in addition to those responded to in their report of November 18, 1884, beg leave to report that the whole amount drawn from the treasury of the state by the late Attorney-General James G. Field, during his four years' term of office, commencing January 1, 1878, and ending January 1, 1882, was \$12,411 84, of which \$2,199 59 was for office rent and all contingent and traveling expenses, and was provided for in the appropriation bills. The remainder was for his salary as provided by law. Nothing appears to have been overdrawn during his term of office. The average yearly expenses of his office, including salary and all other expenses, was only \$3,102 96, while the average yearly amount drawn from the treasury by the present attorney-general, as shown by said report of November 18, amounts to \$6,560 33. Your committee herewith return statement of the auditor of public accounts marked A, showing by items, the payment of said aggregate amount to the late attorney-general. His salary during the first six months of his term of office was \$3,500 *per annum*, instead of \$2,500, which has since been the annual salary of the office.

As stated in the former report of your committee, it appears from the records of the auditor's office, that since his term of office has expired, the late Attorney-General Field has drawn from the treasury, \$1,498 on account fees. Under the construction given by your committee in their former report to the case of *Thon vs. The Commonwealth* (77 Va. Rep.), as the most liberal one possible for the attorney-general, he would have been entitled to \$92 of these fees, as is shown by the statement of the auditor marked B, and herewith returned. This would leave the amount overdrawn by him after the expiration of his term of office, \$1,406. These fees, however, were drawn in 1883, after he had received a letter from the present attorney-general, informing him he was entitled to them, and that he (Blair) was drawing them, as he was in point of fact doing, under the construction which he and the then Auditor Allen undertook to put upon the law.

*Attorney-General Blair and the Mecklenburg case.*

As shown by your committee's former report, Attorney-General Blair drew from the treasury, on the warrant of Auditor Allen, \$1,000 on the 22d December, 1882, for his fee for representing the state in certain judgments proved in Mecklenburg circuit court against the estate of William Townes, deceased, as security upon the bond of one Wimbish, a defaulting treasurer of that county. This payment was wholly without authority of law, the auditor not being authorized to make any such payment (as he claimed he was) under section 25, chapter 40, Code of 1873, without the approval of the governor, which was not given, as shown by the records; and even if it had been given, section 31 of the same chapter limited the amount to be paid to five per cent. upon the amount actually paid into the treasury. The amount which had been actually paid into the treasury at that time, as shown by the auditor's books, was only \$3,046 46. Upon this point your committee examined a witness, W. E. Homes, who had been counsel for Townes' executor in the chancery suit in which the judgments in favor of the state were proved. This witness shows that one R. T. Thorp appeared as counsel for the state in that suit, and under a decree therein collected in December, 1882, \$3,546 46 upon the state's claim, and that Attorney-General Blair never appeared in the case at all. It further appears from the testimony of this witness, and Thorp's letters exhibited by the attorney-general, that Thorp retained \$500 of the amount collected by him, and covered into the treasury only the above-named sum of \$3,046 46, instead of the whole amount collected, thus making \$1,500 taken for fees out of a collection of \$3,546 46, in a case which only involved the proving of certain uncontested judgments in a chancery suit already pending, and in which there were no disputed points, except the single question as to whether the debt of another creditor, proved in the same suit, was a preferred one or not, the suit having been instituted and every decree therein drawn by the counsel for the decedent's estate. It also appears from Thorp's letters, produced by the attorney-general, that he sent a check for the \$3,046 46 to the attorney-general himself, and informed him that he had retained the \$500 before the attorney-general drew his fee of \$1,000. The whole of this \$1,500 belongs to the state, except, perhaps, the sum of \$375 75, which your committee, out of abundant caution, allowed to the attorney-general in their previous report, that sum being five per

cent. upon all that has ever been paid into the treasury on the Mecklenburg judgments.

*Moneys heretofore paid into the Auditor's office and not covered into the treasury.*

Irregularities appear to have existed in the office of the auditor of public accounts prior to January 1, 1884, with respect to money paid into the office by the clerks of the various courts of the commonwealth. It is the duty of such clerks to collect the tax upon civil process, deeds, &c., and to make report thereof to the auditor and cover the same into the treasury between the 1st day of September and the 15th day of December in each year, with very heavy penalties upon them for failure to make such report and payment within the time specified.

From the examination of witnesses upon this subject, (whose testimony is herewith returned), and from the records of the auditor's office, (copies of which are filed with such testimony), it appears that there were 113 clerks of county and corporation courts, the same number of clerks of circuit courts, and one clerk of Richmond city chancery court, making in all 227 clerks who ought to have made such reports and payments for the years ending September 1, 1882, and September 1, 1883; but the records show no report or payment from 153 of these clerks for the year ending September 1, 1882, and none from 107 of them for the year ending September 1, 1883.

This state of facts can be explained in but one of two ways: either the clerks failed to make these reports and payments, which are not entered to their credit, or they made them and were not credited by them on the books of the office. Within the limited time at the disposal of your committee they could procure evidence as to only four clerks, viz: Q. R. Hume, clerk of the circuit and county courts of Greene county; Edmund Waddill, clerk of the circuit and county courts of Charles City county; George W. Carter, clerk of the circuit court of Henrico county; and E. L. Turner, clerk of Greenvsille county.

From the deposition and vouchers of Q. R. Hume, now a clerk in the treasurer's office, it appears that on different occasions within the last four years, he has paid into the auditor's office sums aggregating \$438 72, which are not entered on the books of either the auditor or treasurer. The last of these remittances he made December, 1882, by a registered letter containing currency and stamps, \$174 67, and claims against the state to the amount of \$35 00. No receipt appears to have been given for this remittance.

The envelope in which these enclosures were sent, was lately found in the auditor's office with the seal broken, and with his letter and claims against the state still in it, but without the currency and stamps, and no trace of the remittance as above stated is to be found on the books.

The deposition of W. M. Waddill, one of the clerks in the auditor's office, shows as per vouchers exhibited before your committee, that his father, clerk of the courts of Charles City, has paid into the auditor's office within the last six years, sums to the amount of \$761 38, which are not entered anywhere on the books of the office.

The deposition of George W. Carter, with the other evidence, shows the pay-

ment by him into the office within the last — years, of sums aggregating \$383 33, of which no entry is to be found on the books.

The deposition of L. D. Yarrell, judge of Greenesville county, shows the payment by the clerk of his county, of a sum of money into the office (the amount not known) for one of the fiscal years 1881-2 or 1882-3, and the books show no entry of any sum paid in on either year.

It thus appears that sums to the amount of \$1,583 43 are proven as having been paid into the office from three of the counties of the state, of which the books show no trace; and one sum in addition to these (the amount of which could not be given) is also proven to have been paid in and not entered.

Your committee had no information as to these matters until two or three days ago, and the necessity for making a report in so short a time prevented them from being able to hear more evidence. Inasmuch as the four cases, as to which they were able to procure evidence, show the state of facts above set forth, they are of the opinion that it may reasonably be inferred that in a large number of the cases where the clerks appear to be in default, they are not actually so, but have paid into the auditor's office; that being the office into which they usually pay.

From the evidence before your committee, they are of opinion that the two fiscal years of 1881-2 and 1882-3, (as to which tabled statements are given) are not the only ones in which there occurs this absence or want of entries in the books; but that the accounts of some years previous to that time will show no report or payment from a larger number of the clerks in the state.

Your committee believe that a full investigation will show that many thousands of dollars have been paid into the auditor's office by the clerks and not entered on the books of that office.

Receipts for money paid and not entered were exhibited by the witnesses, Hume, Waddill and Carter, in giving their testimony, which receipts appeared to have been signed by William R. Smith, a clerk in the auditor's office. Your committee did not summon him, for want of time (in view of the impending adjournment *sine die* of the legislature) to go into an investigation as to who might be implicated in these irregularities, upon which question they do not now undertake to pass.

Your committee recommend, as being probably the only measure now practicable, the appointment of a committee to continue the investigation after this session of the general assembly shall have adjourned *sine die*, and to report to the next meeting thereof, with leave to have such report printed at any time, and with as full powers in other respects as may be granted to it.

Respectfully submitted,

JOHN B. MOON, *Chairman*.  
R. T. BARTON.

NOVEMBER 29, 1884.

## STATEMENT A.

*Copy of Payments made to Attorney-General Field, from January 1, 1878,  
to February 1, 1882.*

## CONTINGENT EXPENSES OF ATTORNEY-GENERAL'S OFFICE.

1878.

January	4.	Warrant No. 3244—J. G. Field, attorney-general, on account, one quarter's rent of office to 31st March, 1878.....	100 00
April	12.	Warrant No. 7195—J. G. Field, attorney-general, on account quarter's rent of office in advance to 30th June, 1878.....	100 00

1879.

March	6.	Warrant No. 5821—James G. Field, attorney-general, on account office rent to 31st March, postage, and for traveling expenses.....	382 00
April	18.	Warrant No. 6826—J. G. Field, attorney-general, on account of office rent for three months, and expenses in Washington and Danville in proceedings of Commonwealth vs. Judge Rives.....	199 13
Dec'r	15.	Warrant No. 1952—James G. Field, attorney-general, account expenses to Washington and Wytheville and postage.....	56 75

1880.

April	7.	Warrant No. 6236—Office fees, and postage.....	388 40
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1881.

Jan.	4.	Warrant No. 2175—J. G. Field, attorney-general, traveling expenses, postage, &c.....	256 36
April	1.	Warrant No. 3740—J. G. Field, postage, rent of office, &c.....	126 70
June	14.	Warrant No. 5120—A. Hoen & Co., printing letter heads for attorney-general.....	7 50
July	7.	Warrant No. 5604—Randolph & English and others, on account stationery for office.....	181 00
Sept.	29.	Warrant No. 6950—James G. Field, office rent, Richmond.....	107 00

1882.

Jan.	8.	Warrant No. 2818—James G. Field, attorney-general, rent of office to Jan. 1, 1882.....	110 75	1,965 59
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## CIVIL CONTINGENT FUND.

1878.

Jan.	18.	Warrant No. 3808—S. H. Hawes, on account one ton coal furnished attorney-general's office.....	4 00	4 00
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## CIVIL PROSECUTIONS.

1878.

Feb.	5.	Warrant No. 4623—J. G. Field, attorney-general, on account, October, '78, fees for appearing for commonwealth in case of <i>Bright vs. Lee and als.</i> , in circuit court Henrico.....	10 00	
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1879.

April	18.	Warrant No. 6827—James G. Field, attorney-general, on account printing brief in <i>Commonwealth vs. Rives and Coles vs. Same</i> , in Supreme court at Washington, and fee of clerk of Patrick co.....	20 00	80 00
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## GENERAL APPROPRIATIONS.

1878.

Dec.	81.	Warrant No. 1261—James G. Field, attorney-general, on account lights and fuel for attorney-general's office for year 1878-79.....	100 00	100 00
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## OFFICERS OF GOVERNMENT.

1878.

Feb.	5.	Warrant No. 4658—J. G. Field, attorney-general...	289 25	
Mar.	4.	Warrant No. 6238—J. G. Field, attorney-general...	289 25	
April	12.	Warrant No. 7194—J. G. Field, salary for March, 1878, attorney-general.....	289 25	
May	9.	Warrant No. 7709—Jas. G. Field, salary for April, 1878, attorney-general.....	289 25	
June	8.	Warrant No. 8342—James G. Field, on account salary for May, 1878, and for fire, lights, for year ending 30th September, 1878, attorney-general.....	389 25	
July	9.	Warrant No. 9858—Jas. G. Field, salary June, '78, attorney-general.....	289 25	
Aug.	2.	Warrant No. 10508—J. G. Field, salary July, '78, attorney-general.....	206 75	
Sept.	7.	Warrant No. 11184—J. G. Field, salary August, attorney-general.....	206 75	
Oct.	12.	Warrant No. 254—James G. Field, on account his salary for Sept., '78, attorney-general.....	206 75	
Nov.	8.	Warrant No. 796—J. G. Field, salary Oct., '78, attorney-general.....	206 75	
Dec.	2.	Warrant No. 1259—James G. Field, salary Nov., '78, attorney-general.....	206 75	2,869 25

## 1879.

Jan.	2.	Warrant No. 2610—James G. Field, salary Dec., '78, attorney-general.....	206 75
	31.	Warrant No. 3774—Jas. G. Field, salary Jan., '79, attorney-general.....	206 75
March	1.	Warrant No. 5085—J. G. Field, salary Feb., '79, attorney-general.....	206 75
April	4.	Warrant No. 6585—J. G. Field, salary March, '79, attorney-general.....	206 75
May	10.	Warrant No. 7289—J. G. Field, salary April, '79, attorney-general.....	206 75
June	6.	Warrant No. 8170—Jas. G. Field, salary May, '79, attorney-general.....	206 75
July	8.	Warrant No. 8953—J. G. Field, salary for June, '79, attorney-general.....	206 75
Aug.	1.	Warrant No. 9441—J. G. Field, salary for July, '79, attorney-general.....	206 75
Sept.	1.	Warrant No. 10334—J. G. Field, salary for Aug., '79, attorney-general.....	206 75
Oct.	9.	Warrant No. 179—J. G. Field, salary for Sept., '79, attorney-general.....	206 75
Nov.	1.	Warrant No. 613—J. G. Field, salary for Oct., '79, attorney-general.....	206 75
Dec.	1.	Warrant No. 1203—Jas. G. Field, salary for Nov., '79, attorney-general.....	206 75
	31.	Warrant No. 2678—Jas. G. Field, salary for Dec., '79, attorney-general.....	206 75
			<hr/> 2,687 75

## 1880.

Feb.	2.	Warrant No. 4002—J. G. Field, attorney-general...	206 75
March	4.	Warrant No. 5490—J. G. Field, attorney-general...	206 75
April	2.	Warrant No. 6125—Jas. G. Field, attorney-general,	206 75
	30.	Warrant No. 6751—Jas. G. Field, attorney-general,	206 75
June	9.	Warrant No. 8208—Jas. G. Field, attorney-general,	206 75
July	21.	Warrant No. 9417—J. G. Field, attorney-general...	206 75
Aug.	9.	Warrant No. 9782—Jas. G. Field, attorney-general,	206 75
Sept.	9.	Warrant No. 10327—James G. Field, attorney-general.....	506 75
Oct.	8.	Warrant No. 192—J. G. Field, attorney-general.....	206 75
Nov.	9.	Warrant No. 755—J. G. Field, attorney-general.....	206 75
Dec.	4.	Warrant No. 1240—Jas. G. Field, attorney-general,	206 75
			<hr/> 2,274 25

## 1881.

Jan.	4.	Warrant No. 2174—J. G. Field, attorney-general...	206 65
Feb.	1.	Warrant No. 2724—J. G. Field, attorney-general...	206 75
	28.	Warrant No. 3202—J. G. Field, attorney-general...	206 75
April	1.	Warrant No. 3739—J. G. Field, attorney-general...	206 75
May	4.	Warrant No. 4389—Jas. G. Field, attorney-general,	206 75
June	1.	Warrant No. 4869—J. G. Field, attorney-general, on account his salary, May.....	206 75

July	7. Warrant No 5606—Jas. G. Field, attorney-general,	206 75	
Aug.	2. Warrant No. 6091—J. G. Field, attorney-general...	206 75	
Sept.	29. Warrant No. 6859—Jas. G. Field, attorney-general,	418 50	
Nov.	9. Warrant No. 722—Jas. G. Field, attorney-general,	206 75	
Dec.	6. Warrant No. 1812—Jas. G. Field, attorney-general,	206 75	
			2,274 25
1882.			
Jan.	8. Warrant No. 2817—Jas. G. Field, attorney-general,	206 75	
			206 75
			<u>\$10,812 25</u>

A copy from the records of my office.

MORTON MARYE,  
*Auditor of Public Accounts.*

## STATEMENT B.

### COMMONWEALTH OF VIRGINIA, OFFICE OF THE AUDITOR OF PUBLIC ACCOUNTS, RICHMOND, November 24, 1884.

It appears from the records of my office, that in the cases mentioned in the statement of fees paid to Ex-Attorney-General Field, furnished the committee, that payments amounting to more than the fees paid, have been covered into the treasury in the following cases—viz.:

Commonwealth vs. Roanoke Navigation Company.....	8 00
Commonwealth vs. Boisseau, five motions, at \$8.....	40 00
Commonwealth vs. Kasey, three motions, at \$8.....	24 00
Commonwealth vs. Wimbish.....	20 00
	<u>\$92 00</u>

MORTON MARYE,  
*Auditor of Public Accounts.*

## EVIDENCE.

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OFFICE AUDITOR OF PUBLIC ACCOUNTS,  
THURSDAY, *November 27, 1884.*

Committee present: Messrs. Moon and Barton ; also present, Capt. F. S. Blair.

Mr. Blair: While F. S. Blair does not object to the fullest investigation, yet he protests that since the majority and minority reports have been made in this case, and since the committee stated that no further testimony would be taken, and therefore one of the members of the committee, Mr. Bishop, relying upon that statement, left the city upon leave of absence and is not now present and has no opportunity to join in a report or to make one himself; F. S. Blair protests against these proceedings.

Mr. Moon: On behalf of the committee, I would state that we are acting under a different resolution than that under which our first report was made, adopted since that report was made, and before Mr. Bishop left, and this is the first meeting of the committee under this last resolution of the House of Delegates.

Mr. Blair: This is the first intimation that F. S. Blair has had that there was any such resolution, no copy of the same having been served on him, General Hill last night simply having said to him that Mr. Moon, chairman, would this morning examine Mr. Homes, and desired his presence.

W. E. Homes, sworn and examined by Mr. Moon:

Ques. State your residence and occupation?

Ans. Boydton, Mecklenburg county, Virginia; occupation, a lawyer.

Ques. State what you know in reference to the claims of the commonwealth against one Wimbish, a defaulting treasurer of Mecklenburg and Townes' executor, said Townes having been security for said Wimbish; how much money was collected on said claims, by whom paid, and to whom paid, and when?

Ans. There were certain judgments which were obtained in the circuit court of the city of Richmond, in favor of the commonwealth of Virginia against Thomas F. Goode, executor of William Townes. He was surety for L. W. Wimbish, late treasurer of Mecklenburg county; established and proved in a chancery suit pending in the circuit court of Mecklenburg, styled Townes' Executor against Boyd and others, which suit was for the distribution of the estate of

William Townes. The said judgments were presented before the commissioner by R. T. Thorpe of Mecklenburg county, claiming to represent the state of Virginia, he filing her petition among the records of said suit. At the November, 1882, term of the circuit court, a distribution was made of the assets in the case of Thomas F. Goode, executor of Townes, and by the decree of distribution, the sum of \$3,546 46 was decreed to be paid by the said Goode, executor, to the commonwealth of Virginia, R. T. Thorpe, attorney on record, filing her petition and establishing her debt. Soon after the adjournment of the court, some time during the month of December, T. F. Goode executor, against whom this decree was rendered, came to the town of Boydton, to my office, for the purpose of making settlement of same. Said decree was settled by the payment made to R. T. Thorpe, attorney, in my office, and in my presence. I have not the voucher showing payment myself, that being in the custody of Col. Goode, and not having time to procure it from him, after receiving summons to appear before the committee, Col. Goode being eighteen miles from me. The whole amount of the decree paid, was \$3,546 46, paid to Mr. Thorpe. By said decree, the executor was directed to settle a further account, which account he settled in said suit, before commissioner on the 15th of March, 1884, showing payment by him to the commonwealth, of the said sum of \$3,546 46, which account was confirmed by the circuit court of Mecklenburg, at the April term, 1882 of said court. A further decree was made in said case, October term, 1884, directing the payment by Goode, executor, to the commonwealth of Virginia, or Thorpe, attorney, of the sum of \$4,468 59, which amount was some time during the month of October, the exact date I do not now remember, was settled also by the executor, Col. Goode, in my office and in my presence, with said R. T. Thorpe.

Ques. What year?

Ans. October 1884, I said.

By Mr. Barton :

Ques. Mr. Homes, was there any controversy about this claim?

Ans. None in the world. I would further state in reference to the inquiry you have made, that in this suit, accounts and debts had been previously taken, and the commissioner had reported that there were outstanding liabilities against the estate of Wm. Townes, involved in suits of the commonwealth of Virginia against Townes' executor, in the circuit court of the city of Richmond, which were then pending, and he reported the amount could not be determined until judgment in these cases should have been rendered, and so soon as rendered, he would report the said judgments. The commissioner in settling the accounts which was returned the 16th November, 1882, reported the debts as shown by extracts of the judgments, which were presented to the commissioner by R. T. Thorp, attorney. No controversy in regard to the debts was made in the circuit court of Mecklenburg. The report was confirmed and the distribution made as heretofore stated.

Ques. Did Mr. Blair, the attorney-general, ever appear in the circuit court of Mecklenburg county in this connection or have anything to do in those cases?

Ans. Mr. Blair never appeared in the circuit court of Mecklenburg county in

those cases so far as known to me; and I will state that I was counsel in many of the suits, was present at every term of the circuit court after its institution, and was always present when said case was called up; every decree entered in the case was drawn by myself as counsel for the executor of Wm. Townes.

Ques. Was anything at all done in behalf of the state in that case except to file the petition and receive the money?

Ans. Nothing that I know of other than that. Nothing else was done so far as the record of the court is concerned. I do not know what was done outside.

Cross-examination by Capt. Blair:

Ques. I understand you then, to say that Mr. R. T. Thorpe had the personal management of the case to which you refer, and that all the money, the \$3,546 46 was paid to him, as also the last payment in October 1884; do you know or not, that Attorney-General Blair, by personal conversation with Mr. Thorpe, and by letter or otherwise, instructed him how the petition should be filed, and how questions in behalf of the state should be raised and placed before the court?

Ans. I know nothing of what passed between Mr. Blair and Mr. Thorpe. I have only stated in my answer previously given, what appeared on the record of the suit and in the court. What conversation Mr. Blair had with Mr. Thorpe, of course, I know nothing.

Ques. You have stated that there was no controversy in these cases so far as the claim by the commonwealth was concerned in the circuit court of Mecklenburg; do not you know that there was a claim on the part of the commonwealth that her liens had priority over other judgment liens that were sought to be proved and established in those cases?

Ans. I know of no such controversy having been raised in the circuit court of Mecklenburg. The petition asks for the payment of the judgments and no question was ever raised before the court, or rather no claim was ever made before the court by any one that they should have priority in the distribution of the assets of Townes' estate. As a matter of abundant precaution, and as counsel for the executor of Wm. Townes, in the decree of October term 1884, in drawing said decree I inserted in the decree the opinion of the court that the commonwealth was entitled to no priority. At the time of drawing the decree I mentioned the matter to Mr. Thorpe that I had so drawn the decree, and he told me it was all right, that he had nothing to say upon that point and just left the matter with the court.

Ques. Did not Mr. Thorpe say to you that the attorney-general insisted that the claim of the commonwealth had priority before the others, and was not his opinion discussed among the lawyers of Boyton?

Ans. Mr. Thorpe, if he ever mentioned the matter to me, I do not remember it. I remember when the judgments were rendered, and while the suits were pending in the circuit court of Richmond, that the matter was talked among the lawyers of the Mecklenburg bar who were interested in the distribution of Townes' estate, as to whether or not there would be priority, but I do not remember that Mr. Thorpe said the attorney-general insisted that the state was entitled to priority. He may have said it.

Ques. Do you know the fact that Mr. Thorp was merely local counsel, engaged by the auditor, and that Attorney-General Blair was employed by the auditor to have general supervision of the different cases pending in that court, in the court of Mecklenburg, and that he was advisory counsel to Mr. Thorpe during the whole of those proceedings?

Ans. I do not know by whom Mr. Thorpe was employed, neither do I know by whom the attorney-general was employed. I only know that Mr. Thorpe, in my hearing, and in the court, claimed to be counsel for the state in these matters, and so far as I remember, no mention was ever made by him that any one else was counsel with him in connection with said matters; though the attorney-general may have been counsel without his mentioning it. I do not know anything about that.

Ques. You have spoken of the cases in Mecklenburg, were they not four in number, and as follows: Townes' Executor *vs.* Boyd; Baskerville *vs.* Baptist; Gardner, Carlton & Baldwin *vs.* W. T. Boyd, and F. Pollard *vs.* The Same. Now is it not a fact that there was a controversy between the lienors of these various suits who were creditors of William Townes' estate?

Ans. There were four cases as enumerated in the question above. The three cases of Baskerville *vs.* Baptist, Gardner, Carlton & Baldwin *vs.* Boyd, and F. Pollard *vs.* Boyd, were suits to subject the interest of certain creditors of Townes' estate, who had proved the debts in said suits, to the payment of the debts of these respective creditors, they, however, making no claim against Townes' estate as original debtor. There was no controversy as to the liens as against William Townes' estate. These three last suits were merely attachments in equity to attach money going to certain parties—Baptist and W. T. Boyd, who were creditors of William Townes' estate, and had established the debt in their respective cases against said estate. There were several small judgments reported in the suit as above named, which had priority in the distribution of the real estate, but these judgments were small in amount, probably only \$2,000 or \$3,000, and the assets of the estate amounting to some \$30,000, and no one questioned so far as I remember the priority of these judgments, they being judgements obtained in the lifetime of Townes, which were liens given on real estate, and others were established against his executor after his death, as debts due from Townes in a fiduciary capacity.

Ques. Then there were suits in which creditors held liens of different dignities with consent for payment in these several suits you have mentioned; is not this a fact?

Ans. It is a fact that judgments as above stated, were claimed with priority by parties representing them, and were so reported by the commissioner, and confirmed by the court without objection being made by any one to the contrary. It was a conceded matter that they were entitled to priority.

Ques. Were they not disputed because they were urged and represented before the court in Mecklenburg?

Ans. It escaped my memory and I now remember that there was a claim asserted as fiduciary claim against William Townes' estate, which claim was objected to as a fiduciary claim by R. T. Thorpe, attorney, and the court held that it was not a fiduciary claim and not entitled to priority.

Ques. So that you now remember that there was a contest as to priority of liens?

Ans. As to that matter.

Ques. You answered in your former answer that there was no contest for priority of liens, your memory is now refreshed that there was one claimed priority to all others.

Ans. (Interrupting.) Only claiming priority as a fiduciary claim.

Ques. Well, claiming priority as a fiduciary claim, how did you happen to fall into this error in your sworn statement just given?

Ans. While testifying it did not occur to me, but before I finished my deposition the matter did occur to me. Why it did not occur to me at the time, of course I cannot say, but I have refreshed my memory as stated.

Ques. Then I understand you to say you know nothing of arrangement by the auditor engaging Mr. Thorpe as local counsel, and the attorney-general to have the general management of the claims, and to see to their enforcement in these various suits in Mecklenburg county; do I so understand you?

Ans. I know nothing about said matters.

Ques. As a lawyer, is there anything more usual in the legal profession than for an attorney who has confided to him the collection and enforcement of claims, to have local counsel to give personal supervision to mere mechanical arrangements in those cases?

Ans. Such is frequently done.

Ques. Do you not yourself, and does not the profession often enforce claims in courts that they themselves never visit—having local or associate counsel to do the personal supervision of it?

Ans. I have known such to be done by attorneys; I do not know that I ever did it myself.

Ques. Is it not a custom in the profession to so do?

Ans. I suppose it is the custom for leading counsel not resident at the seat of litigation to have local counsel.

Ques. Are you acquainted with the handwriting of R. T. Thorpe, of whom you have spoken as a lawyer at Boydton, Mecklenburg county; look at the paper I now hand you and see if that is his handwriting?

Ans. This letter handed me appears to be the handwriting of R. T. Thorpe. I am well acquainted with said handwriting, and I think I can testify to it positively.

Ques. It seems to be intimated by the question, that \$3,546 46 was the amount which was collected under the decree of the circuit court of Mecklenburg county in the case you have named, and that only \$3,046 46 was covered into the treasury; I desire to file this letter as a part of this question, and ask it to be read for the purpose of showing that Mr. Thorpe was employed by the auditor to aid in the collection of this debt, and when the \$3,546 46 was collected by him, that he used this language: "I have therefore retained that sum out of the amount (\$3,546 46) which was collected under the decree of the last term of our last court, and herewith enclose check for the balance of said amount (\$3,046 46), for which please send receipt of the auditor, etc., etc." The letter from which the foregoing language is an extract, is addressed to F.

S. Blair, and dated December 20, 1882; now, what I wish to ask you, is, as a matter of fact, was not all the money collected in Mecklenburg county paid either directly or indirectly to R. T. Thorpe; is that correct?

Ans. Yes, they were all paid to Mr. Thorpe by the executor; nothing was paid to you as far as I know; neither of those credits were paid to you, but both of them were settled with Mr. Thorpe by the executor.

Ques. Do you know as a matter of fact that Mr. Thorpe himself directly covered the several amounts you have named, except \$500 charge; that he covered them into the treasury?

Ans. I know nothing about that, except what I have seen in the newspapers that the money had been paid into the treasury, but by whom I know not; that the money except the \$500 had been paid into the treasury, but by whom I know not.

Mr. Blair: I will now ask you to take a copy of the letter referred to as addressed to me by R. T. Thorpe, dated December 20, 1882. "I cannot in justice to myself agree to accept the amount which you state that the auditor would be willing to allow as compensation for my services in the cases referred to, but I am willing to accept out of the present fund a fee of \$500 to be in full for all services and commissions rendered in these cases, until the last dollar which can be obtained for the state shall have been paid over; this amount I am satisfied would be considered a reasonable and moderate charge by every member of our bar. I have therefore retained that sum out of the amount (\$3,546 46) which was collected under the decree of the last term of our last court, and herewith enclose check for the balance of said amount (\$3,046 46), for which please send me receipt of the auditor." Will you be good enough to tell us what your fee was in the Mecklenburg cases?

Ans. I received a fee for representing the executor, instituting and conducting this suit, which is now pending, the suit of Townes' Executor vs. Boyd, and for administering the estate consisting of some \$30,000, the sum of \$600.

Ques. Do you know that there were fees to the amount of \$1,000 paid to some attorneys who were engaged in some of these suits other than the commonwealth?

Ans. I do not.

Ques. Do you know that some lawyers in these cases, with much smaller claims than that of the commonwealth, received fees of \$500, besides yourself?

Ans. I think not. Mr. A. S. Lee presented a claim for \$3,000, and the amount recovered was \$2,300, on which his client received his distributive share, which, I think, up to this time was \$700 or \$800, and he claimed that he was entitled to a contingent fee of one-third of that amount, which would give him a fee of some \$200. That is about the largest fee that I know of, and the reason I know of that was there was some controversy about the fee and I heard of it. I will look over this list and refresh my memory.

Committee decided it was not material.

Ques. Do you remember the fact that judgments were proven and allowed in favor of the commonwealth in the cases which you have referred to against Townes' estate for \$28,371 97 with interest?

Ans. You mean that includes interest; that is, the amount proved inclusive of interest and costs.

Ques. These figures are correct?

Ans. Yes, sir; with interest and costs inclusive.

Ques. Will you state to the committee how many judgments there were against Wimbish, treasurer, and his sureties, in favor of the state; whether there was one judgment or more, and if more, how many more?

Ans. There appears to be seven (witness looking over list of papers in his hand).

Ques. Without intimating at all any disposition on your part to do injustice to me, do you not remember the fact, that it was well understood by Mr. Thorpe, the counsel in these cases, that Attorney-General Blair had had a copy of the judgment in favor of the state against Wimbish, made from the circuit court of the city of Richmond, and had sent those judgments to Mecklenburg county, to Mr. Thorpe, by authority of the auditor, and that while he was not in proper person in the circuit court supervising the proceeding, that he was the general manager and director in those cases?

Ans. All I know about the matter is that I got the impression, from whom I know not, that the attorney-general had sent extract of the judgments to Mr. Thorpe to prosecute the matter in said court.

Ques. When important questions of law were raised in these cases, was it not the habit of Mr. Wimbish to ask the indulgence of the court, and sometimes of counsel until he could communicate with the attorney-general in regard to legal features of the case?

Ans. I have no recollection of his ever asking any such indulgence of the court or counsel. He may have communicated with the attorney-general, I know nothing of that.

By Mr. Barton:

Ques. Do you remember the amount of the debt which was claimed to be of fiduciary character, and which claim was denied by the court, and if so, state it?

Ans. About \$12,000, I think, sir, and some little interest.

Ques. That claim then shared in the general distribution of the estate to the creditors?

Ans. Yes, sir.

By Mr. Blair:

Ques. Without going into the details, will you state in the rough what was the probable amount of the indebtedness of William Townes' estate; was it not about \$65,000?

Ans. Between \$55,000 and \$60,000 is my calculation.

Ques. Then this amount of debts was the subject of settlement in these suits, to ascertain to which the proceeds of the real estate and personal property of William Townes should be appropriated. Are these not the facts?

Ans. They are.

## IRREGULARITIES IN AUDITOR'S OFFICE.

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OFFICE AUDITOR OF PUBLIC ACCOUNTS,  
FRIDAY, *November 28, 1884*—10 P. M.

Present: Messrs. J. B. Moon and R. T. Barton.

Q. R. Hume, sworn and examined by Mr. Moon :

Ques. What was your occupation in 1881 and 1882?

Ans. Clerk of the county and circuit courts of Greene county.

Ques. As such clerk did you remit to the auditor any taxes collected on suits, deeds, etc., during the year 1882; if so, state the amount remitted, and all the circumstances of the transaction?

Ans. Upon the 11th day of December, 1882, I wrote to the auditor of Virginia, enclosing him a registered package of \$174 in money, and sixty-seven cents in postage stamps, and \$35 in accounts against the state, allowances of clerk of said court; also my reports for the year ending the 1st September, 1882; the amount sent aggregated \$209 67. Some time in the month of November, 1884, all of these papers were found in one of the back offices of the auditor's office, and upon examination of the treasurer's books, I find that I have no credit for any sum paid for the year 1882 at all. That about embraces it all. The reports and accounts, I find in the original envelope sent by me to the auditor of public accounts.

Ques. Did you find any money, currency or stamps in the original envelope?

Ans. I did not.

Ques. Were these allowances, for which certificates were sent down in this envelope, ever made or entered on the books of the auditor's office or treasurer's office?

Ans. Not that I have been able to find, sir; I found these papers and accounts in the original envelope sent by me unaudited and the money gone. You see if this amount had ever been audited, it would be found on the back of them.

Ques. What is your occupation now?

Ans. I am now second clerk in the treasurer's office, and keep the accounts of the commonwealth.

Ques. Have you examined the books with the view to see whether any entry has been made as to this remittance?

Ans. Yes, sir; I have in connection with Mr. Waddill, one of the clerks of the auditor's office.

Ques. Please state whether, as clerk in the treasurer's office, you have noticed any failure or want of interest as to reports or returns from the clerks of the courts throughout the state, who are required by law to make annual returns into the treasury; if so, state as to how many such failures or want of returns were shown for last year, 1883?

Ans. I have examined the treasurer's books, and I find from including the month of December, 1883, up to the month of September, 1884, there were only 113 entries of amounts paid by clerks of county and circuit courts, corporation courts, corporation circuit courts, chancery court of the city of Richmond, and courts of appeals. I think there ought to be 230 entries; there are 100 county courts, 100 circuit courts, 13 corporation courts, corporation circuit courts, one chancery court, and three courts of appeals.

Ques. Where ought these entries to be shown—on whose books?

Ans. They ought to be shown on the books of the auditor and treasurer, both.

Ques. State if you have noticed any cases of failure or want of credit of clerks for other years than that of September 1, 1883; if so, state what instances?

Ans. I have looked to the counties of Charles City, Henrico, and Madison, and as I have stated before, my own county, Greene, back to the year 1877. As to the counties of Charles City and Henrico, I have looked with Mr. Waddill as to amount paid in by his brother, clerk of Henrico, and his father, clerk of Charles City, and his receipts show on the book what years are credited and what not—he made a memorandum from the books of these receipts; and as to the county of Madison, I find only one credit since 1877, and that is for the year 1879; I only examined the treasurer's books in reference to these cases.

Col. Morton Marye, sworn and examined by Mr. Moon :

Ques. You have heard the testimony of Mr. Hume, in reference to the absence of returns from the various clerks in the commonwealth, of taxes collected by them; state what your books show as to such entries, and all you know in reference to the same?

Ans. When I was elected auditor, there was a committee of the House engaged in investigating the books of this office. They were engaged in that service for, I think, may be six weeks after I came in, during which time I did not pay any attention to the ledger on which accounts of clerks should be kept. I was much engaged for some months thereafter in construing various laws, tax laws, giving instructions to commissioners and other parties who made inquiry as to that, looking into, especially the accounts presented for payment at this office, examining them personally, many of which were for allowances not authorized by law, such as jail accounts, accounts of justices of the peace, sheriffs and other officers. I was necessarily much occupied during the session of the Legislature, with interviews with members of that body on various subjects, and I had not the time to devote to the personal inspection of the books. Mr. Moncure, the clerk who keeps the treasurers' accounts, was engaged in examining the treasurers' accounts, in many of which he told me he found errors in

additions and subtractions, so that he was unable for some time to give me a statement of delinquent treasurers. Finally in the summer, about August, 1884, I was enabled to give my attention to the accounts of such treasurers as were behindhand in their payments. My mind was particularly directed to treasurers, from whom one-half of the revenues of the state are received, and I commenced as soon as possible, writing to those that were delinquent. In the meantime I noticed that the accounts of clerks were not written up for several years. It had not been the habit of crediting even those who had paid on their accounts on the ledger. I also noticed that there were no accounts opened anywhere for notaries public, from whom considerable amounts were received. I requested Mr. William R. Smith, the first clerk who has charge of the clerks' accounts, to give me a statement of the clerks who were delinquent for this year, 1882-3. It never occurred to me to look behind that; I was simply looking to collecting the revenues of the state, and was not then engaged in examining the books of my predecessors, to see if there were any errors. I had no reason to suspect anything wrong in the matter so far as payment into the treasury was concerned, I was simply looking towards calling upon those clerks who had failed to make reports, if any there might be. Mr. Smith from time to time promised to give me this statement, and on one occasion he called my attention to the fact, and gave me the name of a clerk of Alexandria as having been delinquent for a number of years. I had not the remotest idea that in any event there would be more than a few who had failed to make these returns, and was not as urgent in the matter as possibly I should have been. Mr. Smith has been in this office for twenty years, was recommended to me by almost the unanimous wish of the members of the General Assembly, as being essential to the working of this office, and on all sides I had heard of him as one of the most valuable men. I had found him well acquainted with the general run of the business of this office, and always ready to give any definite information asked properly, and his delay in giving me the list of delinquents, I attributed to a want of system in his work. This list could only be made out, as the books were not posted, by examination of every entry that had been made to the credit of the general account of clerks, and would have taken some time for him to have it. The Legislature met during this time, in August, and Mr. Smith's time was taken up as well as mine by the session of that body in answering reports. The duties of Mr. Smith are also to prepare forms for licenses and see to their distribution, and blanks to be sent out to the various officers of this state, and that took a great deal of his time, and accounted in my mind for his slowness in giving me the statement asked for. In the meantime the books were being written up during my administration, being posted, and they would show the credits to all the clerks, and I would have been soon about this time, in possession of all the information from my clerks. As there were no accounts on the books anywhere opened for notaries public, I had caused one of my clerks to make a full list of notaries public in the state, with the view of examining the payments made, with a view of writing to those who had not made returns. In speaking to Mr. Smith about preparing me a list of the delinquent clerks, those who had failed to make returns, I called his attention to this absence of

accounts with notaries public, and requested him to have a book prepared for me in which could be conveniently noted the returns and payments of all notaries, that I could keep on my desk to examine and see who had paid and who had not; this book, he informs me, is about ready. The payments by clerks and notaries are required by law to be made before the 15th of December of each year. I presumed that all the clerks had paid their accounts before I came into the office. Such payments would not appear upon the books posted by my clerk, of receipts made since I have been in the office; I would not, therefore, have known from the accounts of the clerks on the general ledger, what clerks had failed to make reports and payments, and as I did not intend at the present to repost any of my predecessor's work, I was relying upon the statement to be furnished me by Mr. Smith of the delinquent clerks, to whom I would write—I mean by delinquent clerks, those delinquent for 1882-3. As I did not suspect, and had no reason to suspect anything irregular in this matter, I would not likely for some time have discovered that any clerks were delinquent, other than those whose names might be furnished me by Mr. Smith for that fiscal year. Some little while ago, may be six weeks, Mr. Waddill, my clerk of accounts, called my attention to the fact that his father, who is clerk of Charles City, had not been credited on his account on the ledger with many payments that he knew he had made, and he expressed to me the opinion that something might be wrong. I stated in reply that he would notice that none of the clerks had been credited regularly with payments; that there was an utter lack of system of correct account keeping, but that that did not indicate fraud; that the money paid into the treasury by his father and other clerks would all be found credited to the general account of clerks of courts, but that he must write to his father and get his receipts and then examine these receipts with the credits on the general account of payments made by his father for the various years represented by the receipts, and this would show conclusively whether the state had been credited by all the money paid. I said I did not doubt that the credits to the state on this general account would correspond with the receipts. Mr. Waddill, about the time that he called my attention to this matter, mentioned to me that Mr. Hume had paid some money in person to Mr. Smith, and that Mr. Smith was slow in giving him a receipt therefor, and Mr. Hume had complained of it. Mr. Waddill seemed to think that this indicated something wrong. I told Waddill that there was no cause to suspect any bad faith in this matter, as here was a direct payment by Mr. Hume in person to Mr. Smith, and it was only by Mr. Smith's being pressed by overwork that there was any delay in giving the receipt. There could be no mistake about the payment, and no possibility about the failure to give the proper receipt. Mr. Waddill a few days ago obtained the receipts from his father, and after investigation gave me a memorandum showing the years in which payments by his father had been credited to the state in the general account of the revenue, and the list of receipts signed by W. R. Smith for payment in a number of years in which the state had received no credit, which he had ascertained by careful examination of the books. I handed these papers at once to Mr. Moon, chairman of the committee, within a few minutes after being informed by Mr. Waddill of the result of this investigation which he had made at my

request. I then requested Mr. Waddill to give me a statement taken from the general account of receipts from clerks of all payments into the treasury by clerks during the last fiscal year and the year previous, which statement he furnished me last night; I file this statement herewith. As I mentioned before, I had requested Mr. Moncure to give me a list of the treasurers that had been slow in making their payments. As soon as he gave me a partial list, I at once commenced correspondence with them. I possibly would have continued my investigation into their accounts and correspondence with them, even if Mr. Smith had furnished me the statement of the clerks, which had prevented my looking more particularly after the clerks of courts whom I had no reason to believe were delinquent, and which will account for my not being more persistent in demanding of Mr. Smith a list of those clerks delinquent for 1882-3. Of course I would have seen that every clerk for that year as well as the coming year did account to the state, and their payments are just now being made. It will be borne in mind that the payments by clerks for 1882-3 should all have been made before I came into the office, and all of their payments credited, and it was only out of abundance of precaution and care that I intended to demand of Mr. Smith a list of the clerks who had failed to pay for that year. The statement furnished by Mr. Waddill contains all the counties and cities in the state, and shows at a glance what clerks, so far as the books of the office show, have failed to make payments for these two years. I have no reason to believe that any money has been paid into this office since I have been auditor, which has not been credited to the state. I have no information of payments made to my predecessors, for which the state did not receive credit other than that shown by the receipts of Mr. Waddill heretofore alluded to, and the testimony of Mr. Hume given before the committee in my presence to-day, and information given to me in the committee by Mr. Waddill of payments heretofore alleged to have been made by the clerk of Henrico county.

L. D. Yarrell sworn and examined by Mr. Moon :

Ques. State what is your occupation and residence ?

Ans. Residence, Greensville county, Va. ; occupation, a lawyer and judge of the county court.

Ques. State what you may know of any payments made by the clerk of your county and circuit court, into the auditor's office, of taxes collected by him in the years ending September 1, 1882, and September 1, 1883 ?

Ans. I was notary public in the county during these years, and one or both of the years—I do not remember which—I swore Mr. E. L. Turner, clerk of the court, to his report made to the auditor, according to my best recollection, and he swore me to my returns as notary public, for the amount of taxes received as notary public. One of the years—I do not remember which—I got Mr. Turner to send the taxes due by me along with his, and received my receipt through Mr. Turner when he got his receipt, and saw his receipt from the auditor's office; I do not remember the amount.

W. M. Waddill sworn and examined by Mr. Moon :

Ques. Please state your occupation ?

Ans. Clerk of accounts in the state auditor's office.

Ques. State what you may know as to the absence of entries on the auditor's books, of returns from the clerks of taxes collected by them from the various counties and cities, and also state the circumstances of any particular case of which you may have knowledge ?

Ans. In looking over my father's account (he is clerk of Charles City county), I became convinced that he was not credited with money paid to the auditor's office. About a week ago I wrote to him to send me the receipts which he held from this office. When I received them I compared them with the books. Some of them I found credited and some I did not. These receipts I turned over to Colonel Marye. At the request of Colonel Marye I made off statements from the books of this office, showing what clerks were credited with payments for the fiscal years 1881-2 and 1882-3, which statements the committee now hold.

Ques. State what amounts returned by your father to the auditor's office were not credited on the books ?

Ans. \$761 38.

Ques. For what years ?

Ans. For the years 1877-8, 1878-9, 1879-80, and 1881-2.

Ques. Have you examined the books of the auditor's office especially to find out what money was credited as returned by your father ?

Ans. Yes, sir. I examined the books and did not find this credited.

Ques. State how you know he made these payments for the years mentioned ?

Ans. I only know this from the receipts which he holds, and which he sent me, showing that he had made these payments, and which receipts I lay before the committee.

Ques. Will you make a statement, showing what clerks are not credited on the books with returns for the years 1881-2 and 1882-3, showing the number of the same and the county, such statement being in the nature of an abstract of the two statements heretofore made and filed by the auditor in his testimony ?

Ans. I will file this as soon as I can make it out.

Adjourned to 4 P. M.

## OFFICE AUDITOR OF PUBLIC ACCOUNTS,

FRIDAY, *November 28, 1884*—4 P. M.

Present: Messrs. E. B. Moon and R. T. Barton.

George W. Carter, sworn and examined by Mr. Moon:

Ques. Please state your residence and occupation?

Ans. My residence is Henrico county, and occupation clerk of the circuit court of Henrico.

Ques. Please state whether or not you have paid into the auditor's office, or treasury of the commonwealth, anything on account of taxes collected for the state by you for the fiscal years of 1881-2, or any year about that time?

Ans. Yes, sir; I paid writ tax on the 27th December, 1882, for the years 1881-2, \$96 14. I also paid on the 16th December, 1881, for the years 1880-1, the sum of \$80 28. I paid on the 15th December, 1880, tax for 1879-80, \$98 61. On the 31st of December, 1879, \$95 76 for the years 1878-9; on the 13th January, 1879, I paid \$92 82 for the years 1877-8.

Ques. Please state on what account these payments were made?

Ans. They were made on account of writ tax for suits brought in the circuit court of Henrico, and taxes on wills admitted to probate in the clerk's office.

Ques. Did you take receipts for these payments, and if so, from what office, and from whom?

Ans. Yes, sir; I took receipts which I have, from William R. Smith, clerk in the auditor's office, which above receipts I have exhibited to the committee.

W. M. Waddill, recalled.

[Mr. Waddill appeared and filed the statement asked for in the last question asked him in his previous examination, which statement consisted of four papers in the nature of an abstract of the statements filed by the auditor.]

By Mr. Moon:

Ques. Please state if you have examined the account of payments by George W. Carter, clerk of the circuit court of Henrico county, and if so, state what amounts he is credited by as having been paid for the fiscal years since 1879, commencing with that year?

Ans. I have examined the ledger account of Mr. Carter and I find that he is credited with \$80 28 on account of his tax for law process, etc., for the fiscal year 1880-1, which is the only credit I find since 1878.

Ques. State whether or not you have examined the books of the auditor's office with Mr. Q. R. Hume, clerk of Greene county and also clerk in the treasurer's office, his account as clerk of the county and circuit court of said county for the fiscal year 1880-81; if so, state whether said books show any payments for that year by the said Hume into the treasury on account of taxes collected by him?

Ans. I have examined Mr. Hume's ledger account and it does not show any credit for taxes of that year.

Q. R. Hume re-called by Mr. Moon :

Ques. State whether or not you paid into the auditor's office any taxes collected by you as clerk of the circuit and county court of Greene county for the fiscal year 1880-81, and if so state the amount of such payments and their dates?

Ans. I did, and hold the receipts of Mr. William R. Smith, clerk in the auditor's office—one for fees in the circuit court, \$41 30, and one for fees in the county court, \$187 72, and I have examined the books of the treasurer and do not find any credit on the books for those amounts.

Ques. Did you pay these amounts into the auditor's office, as shown by the receipts?

Ans. Yes, sir; they were paid in money and accounts against the state.

**COMMONWEALTH OF VIRGINIA,**  
**OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,**  
*November 27, 1894.*

**WILLIAM M. WADDILL,**  
*Clerk of Accounts, Auditor's Office.*

**A statement, showing the amount of taxes, &c., received from clerks of courts for the fiscal year 1881-82.**

COUNTIES, CITIES, AND TOWNS.	CLERKS OF COUNTY COURTS.					CLERKS OF CIRCUIT COURTS.				
	NAME.	LAW PROC'S.	WHEN PAID.	FINES.	WHEN PAID.	NAME.	LAW PROC'S.	WHEN PAID.	FINES.	WHEN PAID.
Accomac.....	E. H. Coleman.....	270 18	Dec. 12, 1882.			M. Oldham, Jr.....	81 04	Oct. 19, 1882.		
Amelia.....	W. A. Burnett.....	1,900 00	Jan. 20, 1883.			E. H. Coleman.....	65 08	Dec. 12, 1882.		
Augusta.....	B. M. Allen.....	544 41	May 31, 1883.		218 00	B. M. Allen.....	119 51	May 31, 1883.		
Botetourt.....		121 79	May 31, 1883.			B. M. Allen.....	4 28	May 31, 1883.		
Campbell.....	R. W. Withers.....	497 66	June 20, 1883.		10 00	Wm. Smith.....	97 00	Dec. 14, 1882.		
Charlotte.....	H. A. Carrington.....	256 41	June 20, 1883.		139 27					
Chesterfield.....	M. A. Cogbill.....	546 63	Dec. 14, 1882.		132 59					
Clarke.....	J. M. Gibson.....	723 06	March 1, 1883.							
Culpeper.....	C. B. Payne.....	100 00	June 20, 1883.							
Elizabeth City.....	S. E. Bickford.....	1,620 14	July 15, 1884.							
Fairfax.....	F. W. Richardson.....	476 71	Oct. 13, 1882.							
Floyd.....	B. P. Elliott.....	450 00	June 20, 1883.			John W. Graham.....	196 37	Sept. 30, 1882.		
Frederick .....	James P. Riley.....	312 00	April 7, 1883.			Jos. A. Milton.....	139 18	March 1, 1883.		
Halifax.....	E. H. Vaughan.....	188 89	May 26, 1883.							
Hanover.....	John R. Taylor.....	517 00	June 20, 1883.							
Henrico.....	S. P. Waddill.....	403 62	Jan. 18, 1883.		24 23	J. A. Brown.....	135 09	Jan. 3, 1883.		
Highland.....	S. P. Waddill.....	2,456 32	March 6, 1883.		288 69	J. C. Matheny.....	56 81	June 20, 1883.		
Isle of Wight.....	N. P. Young.....	160 96	June 20, 1883.			N. P. Young.....	62 24	Sept. 30, 1882.		
Landon.....	E. Littleton.....	415 04	June 20, 1883.			W. E. Garrett.....	155 73	June 20, 1883.		
Louisiana.....	J. J. Porter.....	825 14	March 1, 1883.							
Mecklenburg.....	J. M. Sloane.....	398 15	July 15, 1884.		3 50	W. C. Curtis.....	124 83	Sept. 30, 1882.		
Middlesex.....		466 45	Oct. 13, 1882.			P. T. Woodward.....	121 60	Sept. 29, 1883.		
Montgomery.....	C. J. Wade.....	502 82	July 15, 1884.			C. J. Wade.....	36 13	July 15, 1884.		
Nelson.....	Wm. M. Hill.....	197 41	May 26, 1883.							

Norfolk county....	A. H. Martin.....	2,366 55	June 20, 1883.	.....	.....	W. N. Portlock....	115 90	June 20, 1883.
Page .....	1 80	1 80	Aug. 16, 1883.	.....	.....	S. S. Hurt.....	42 95	May 31, 1883.
Pittsylvania.....	A. H. Martin.....	90 44	March 1, 1883.	.....	.....	Charles Conner....	327 29	Sept. 30, 1882.
Prince George.....	A. Broadus.....	.....	.....	.....	.....	.....	.....	.....
Pulaski.....	R. D. Gardner.....	2,369 47	Sept. 30, 1882.	.....	.....	Wm. McCauley....	103 55	June 20, 1883.
Roanoke.....	Wm. McCauley....	763 61	June 20, 1883.	.....	.....	J. C. Bonde.....	145 45	May 26, 1883.
Rockbridge.....	J. P. Moore.....	833 63	May 26, 1883.	43 23	May 26, 1883.	.....	394 92	Sept. 30, 1882.
Rockingham.....	J. P. Moore.....	137 41	May 26, 1883.	260 78	Nov. 24, 1882.	J. H. Shue.....	120 36	Sept. 30, 1882.
Scott .....	J. T. Logan.....	500 00	May 6, 1882.	.....	.....	S. P. McConnell....	325 95	Jan. 30, 1883.
Shenandoah.....	J. T. Logan.....	505 20	Oct. 13, 1882.	23 75	Oct. 13, 1882.	Geo. W. Miley....	325 95	Jan. 30, 1883.
Spotsylvania.....	L. S. Walker.....	661 20	Oct. 13, 1882.	.....	.....	L. F. Cosby.....	325 21	April 7, 1883.
Tazewell.....	J. P. Crismond....	207 73	Oct. 13, 1882.	.....	.....	M. Marye.....	70 40	Dec. 20, 1882.
Warwick.....	W. G. Harrison....	300 00	June 20, 1883.	.....	.....	Wm. Rison.....	464 31	Sept. 30, 1882.
Washington.....	H. H. Wynne.....	75 00	Jan. 6, 1883.	.....	.....	S. D. Preston.....	128 73	June 20, 1883.
Wise.....	Joseph Hibbett....	8 50	Aug. 30, 1882.	.....	.....	.....	.....	.....
Alexandria city....	M. Marye.....	7,655 10	Dec. 20, 1882.	.....	.....	J. A. Coleman.....	22 71	Aug. 3, 1882.
Danville.....	S. D. Preston.....	874 30	June 20, 1883.	33 25	Dec. 20, 1882.	J. C. Armistead....	13 11	Oct. 27, 1882.
Lynchburg.....	H. E. Duval.....	1,085 87	June 20, 1883.	.....	.....	.....	24 61	Jan. 30, 1883.
Manchester.....	S. Kimberly.....	896 97	June 20, 1883.	.....	.....	.....	.....	.....
Norfolk city.....	W. H. Hunter.....	939 36	June 20, 1883.	.....	.....	.....	.....	.....
Petersburg.....	J. A. Coleman.....	248 82	Aug. 3, 1882.	676 56	Jan. 30, 1883.	.....	569 27	June 30, 1883.
Portsmouth.....	J. C. Armistead....	895 14	Jan. 30, 1883.	.....	.....	.....	9,368 24	Sept. 19, 1883.
Richmond city.....	C. T. Phillips.....	105 65	Oct. 13, 1882.	.....	.....	.....	.....	.....
Richmond city.....	Andrew Jinkins....	566 20	Sept. 5, 1882.	69 30	Sept. 5, 1882.	Alfred Shield.....	.....	.....
Staunton.....	Andrew Jinkins....	115 90	Jan. 16, 1883.	156 75	Jan. 16, 1883.	B. H. Berry.....	.....	.....
Winchester.....	N. Arginbright....	165 68	Oct. 13, 1882.	.....	.....	.....	.....	.....
Winchester.....	J. R. Carson.....	130 74	April 7, 1883.	.....	.....	.....	.....	.....

Chancery c't.

**COMMONWEALTH OF VIRGINIA,  
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,  
November 27, 1884.**

**A statement showing the amount of taxes, &c., received from clerks of courts for the fiscal year 1882-83.**

**WM. M. WADDILL,  
Clerk of Accounts, Auditor's Office.**

COUNTIES, CITIES, AND TOWNS.	CLERKS OF COUNTY COURTS.					CLERKS OF CIRCUIT COURTS.				
	NAME.	LAW PROC'S.	WHEN PAID.	FINES.	WHEN PAID.	NAME.	LAW PROC'S.	WHEN PAID.	FINES.	WHEN PAID.
Accomac.....	W. H. B. Custis.....	832 20	Dec. 17, 1883.	305 79	Dec. 17, 1883.	M. Oldham.....	140 13	Nov. 14, 1883.		
Albemarle.....	H. B. Burnley.....	397 54	Jan'y 30, 1884.	9 98						
	John W. Goss.....	12 60	Jan'y 30, 1884.			J. J. Hobbs.....	99 75	Dec. 24, 1883.		
Alleghany.....	J. J. Hobbs.....	199 18	Dec. 24, 1883.	9 50	Dec. 24, 1883.	E. H. Coleman.....	226 96	Sept. 29, 1883.		
							59 85	Dec. 13, 1883.		
Amelia.....	E. H. Coleman.....	175 18	Dec. 13, 1883.	5 00	Dec. 13, 1883.	George T. Peers.....	40 66	Dec. 15, 1883.		
Amherst.....	Chas. L. Ellis.....	206 49	Nov. 14, 1884.							
Appomattox.....	Geo. T. Peers.....	155 23	Dec. 15, 1883.	19 00	Dec. 15, 1883.	Jas. McDowell.....	67 64	Dec. 19, 1883.		
Augusta.....	W. A. Burnett.....	200 00	Nov. 5, 1883.	336 96	Sept. 28, 1883.	P. A. Forbes.....	85 03	Dec. 21, 1883.		
	W. A. Burnett.....	991 72	July 15, 1884.			E. Hudgins.....	1,741 91	(80-3) Sep. 29, 83.		
Botetourt.....	Jas. McDowell.....	76 95	Dec. 19, 1883.	2 50	Dec. 19, 1883.	T. W. Valentine.....	37 28	April 26, 1884.		
Buckingham.....	P. A. Forbes.....	216 89	Dec. 21, 1883.			W. H. Sutherland.....	64 13	Dec. 15, 1883.		
Caroline.....	Robert Hudgin.....	277 63	April 18, 1884.			E. Waddill.....	34 68	Dec. 14, 1883.		
						Wm. Smith.....	85 50	Dec. 6, 1883.		
Carroll.....	W. H. Sutherland.....	346 09	Dec. 15, 1883.	90 56	Dec. 15, 1883.	J. C. Gibson.....	107 70	Dec. 17, 1883.		
Charles City.....	E. Waddill.....	145 83	Dec. 14, 1883.	5 00	Dec. 14, 1883.	C. Phipps.....	78 75	Sept. 29, 1883.		
Charlotte.....	H. A. Carrington.....	342 67	Dec. 15, 1883.	25 01	Dec. 15, 1883.	J. Roy Micon.....	71 82	Dec. 11, 1883.		
Chesterfield.....	M. A. Cogbill.....	813 39	Dec. 5, 1883.	47 02	Dec. 5, 1883.	J. W. Graham.....	149 63	Sept. 27, 1883.		
Clarke.....	J. M. Gibson.....	2,910 51	Dec. 17, 1883.			J. R. Turner.....	158 37	Sept. 27, 1883.		
Dickenson.....						J. R. Turner.....	139 00	July 15, 1884.		
Elizabeth City.....	S. E. Bickford.....	1,324 73	July 15, 1884.							
Essex.....	J. Roy Micon.....	232 32	Dec. 11, 1883.							
Fairfax.....	F. W. Richardson.....	603 52	July 15, 1884.	121 60	July 15, 1884.					
Fauquier.....										

Fluvanna.....	172 62	Dec. 10, 1883.	52 76	Dec. 10, 1883.	Wm. Slater.....	61 10	Dec. 10, 1883.
Franklin.....	408 31	Dec. 16, 1883.	169 69	Dec. 16, 1883.	Jos. A. Nulton.....	184 76	Sep. 30, 1884.
Giles.....	1,590 60	July 16, 1884.			Q. R. Hume.....	45 13	Dec. 17, 1883.
Greene.....	144 93	July 14, 1884.	118 76	Feb. 19, 1884.	T. R. Jordan.....	176 86	Dec. 16, 1883.
Halifax.....	669 02	Dec. 14, 1883.			J. A. Brown.....	110 39	Dec. 16, 1883.
Hanover.....	132 13	Dec. 22, 1883.					
Henrico.....	1,113 30	Dec. 6, 1883.	716 56	Dec. 6, 1883.	J. C. Matthews.....	30 40	July 16, 1884.
Henry.....	100 00	July 15, 1884.			W. P. Young.....	47 98	Dec. 17, 1883.
Highland.....	149 16	Dec. 17, 1883.			J. A. G. Hyatt.....	107 83	Dec. 26, 1883.
Isle of Wight.....	360 34	Aug. 26, 1884.			S. H. Parsons.....	287 38	Dec. 26, 1883.
Lancaster.....	92 00				John L. Yates.....	76 81	Dec. 16, 1883.
Lee.....	783 14	Jan'y 30, 1884.	61 64	Jan. 30, 1884.	P. T. Woodward.....	63 20	Dec. 24, 1883.
Louisiana.....	305 61	Jan'y 12, 1884.			C. J. Wade.....	33 73	Jan. 30, 1884.
Lunenburg.....	172 67	Dec. 15, 1883.			W. N. Portlock.....	206 20	Dec. 19, 1883.
Middlesex.....	123 08	Dec. 24, 1883.			W. S. Cralle.....	79 74	Dec. 19, 1883.
Montgomery.....	465 12	Jan'y 30, 1884.					
Norfolk county.....	2,009 69	Dec. 13, 1883.	263 72	Dec. 13, 1883.			
Northampton.....	183 31	July 12, 1884.					
Northumberland.....	1,678 00	June 20, 1884.					
Nottoway.....	187 91	Dec. 11, 1883.					
Orange.....	234 37	July 16, 1884.					
Page.....	388 16	Dec. 17, 1883.					
Patrick.....	186 77	Dec. 6, 1883.	50 35	Dec. 6, 1883.	P. H. Fry.....	90 66	Sep. 29, 1883.
Pittsylvania.....	1,471 26	Dec. 7, 1883.			A. Broadus.....	126 69	Dec. 17, 1883.
Powhatan.....	148 20	Dec. 13, 1883.	100 00	Dec. 13, 1884.	L. G. Rucker.....	272 00	Sep. 29, 1883.
Princess Anne.....	322 34	Dec. 7, 1883.			S. S. Hurt.....	66 03	Dec. 6, 1883.
Prince William.....	324 24	April 12, 1884.			J. E. Strawhand.....	20 00	Dec. 7, 1883.
Pulaski.....	345 96	July 15, 1884.	57 00	July 15, 1884.	L. A. Davis.....	160 00	Sep. 29, 1883.
Rappahannock.....	1,811 75	Dec. 26, 1883.			R. D. Gardner.....	352 28	Sep. 29, 1883.
Roanoke.....	1,954 15	Dec. 19, 1883.			Wm. McCanley.....	140 03	Dec. 26, 1883.
Rockbridge.....	388 17	Sep. 29, 1883.	168 30	Dec. 19, 1883.	J. C. Boude.....	182 69	Dec. 26, 1883.
Russell.....	2,007 92	Nov. 16, 1883.	48 93	Feb. 19, 1884.	J. H. Shue.....	323 28	Dec. 12, 1883.
Shenandoah.....	1,287 15	Sep. 29, 1883.			H. H. Dickenson.....	381 43	Sep. 29, 1883.
Southampton.....	89 59	Dec. 31, 1883.			Geo. W. Milley.....	369 14	Sep. 29, 1883.
Spotsylvania.....	243 20	July 16, 1884.	20 04	July 16, 1884.	L. R. Edwards.....	322 91	July 16, 1884.
Surry.....	84 20	Feb. 4, 1884.			Jas. R. Tyler.....	284 44	Sep. 29, 1883.
Tazewell.....	368 48	Jan'y 30, 1884.	13 30	Feb. 4, 1884.	A. S. Edwards.....	16 15	Dec. 31, 1883.
Warren.....	486 21	Jan'y 26, 1884.	432 25	Jan'y 26, 1884.	W. G. Harrison.....	100 23	Jan. 30, 1884.
Westmoreland.....	119 13	July 16, 1884.			C. A. McAtee.....	224 68	Sep. 29, 1883.
	128 64	Dec. 26, 1883.			J. W. Hutt.....	177 32	Sep. 29, 1883.

28 60  
45 40

20 00

COUNTIES, CITIES, AND TOWNS.	CLERKS OF COUNTY COURTS.					CLERKS OF CIRCUIT COURTS.				
	NAME.	LAW PROO'S.	WHEN PAID.	FINES.	WHEN PAID.	NAME.	LAW PROO'S.	WHEN PAID.	FINES.	WHEN PAID.
Westmoreland.....	W. J. Kilgore.....	49 65	Dec. 27, 1883.				138 33	Sep. 23, 1883.		
Wythe.....	M. Marye.....	1,560 19	Dec. 22, 1883.			W. B. Foster.....	355 00	Sep. 23, 1883.		
Alexandria city.....	Wm. Elson.....	884 55	Dec. 14, 1883.	54 63	Dec. 22, 1883.	M. Marye.....	17 01	Dec. 22, 1883.		
Danville.....	S. D. Preston.....	758 43	July 16, 1894.	1,604 71	Dec. 14, 1883.	Wm. Elson.....	17 10	Dec. 14, 1883.		
Lynchburg.....	H. E. Duval.....	353 88	Nov. 16, 1883.			S. D. Preston.....	78 52	July 16, 1894.		
Manchester.....	S. Kimberley.....	3,157 15	Dec. 31, 1883.	190 00	Nov. 16, 1883.	S. Kimberley.....	88 45	Dec. 31, 1883.		
Portsmouth.....	C. T. Phillips.....	565 16	Dec. 19, 1883.	488 88	Dec. 19, 1883.	Alfred Shield.....	2 66	July 14, 1894.		
Richmond city.....	W. F. Lawton.....	337 60	Dec. 19, 1883.	277 89	Dec. 19, 1883.					
Staunton.....	B. H. Berry.....	8,091 79	Sept. 27, 1884.							Chan'y ct.
Winchester.....	W. Argenbright.....	419 81	Sept. 23, 1883.							
	J. B. Carson.....	207 39	Aug. 25, 1894.							

COMMONWEALTH OF VIRGINIA,  
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,  
RICHMOND, VA., November 28, 1884.

A statement showing the counties and cities from which no payments appear from the books of the auditor's office to have been made by the clerks of the circuit courts, on account of taxes on law process, &c., for the fiscal years 1881-2.

WM. M. WADDILL, *Clerk.*

1. Albemarle.
2. Alexandria county.
3. Alleghany.
4. Amherst.
5. Appomattox.
6. Bath.
7. Bedford.
8. Bland.
9. Brunswick.
10. Buchanan.
11. Buckingham.
12. Caroline.
13. Carroll.
14. Charles City.
15. Chesterfield.
16. Clarke.
17. Craig.
18. Culpeper.
19. Cumberland.
20. Dickenson.
21. Dinwiddie.
22. Essex.
23. Elizabeth City county.
24. Fauquier.
25. Floyd.
26. Fluvanna.
27. Franklin.
28. Giles.
29. Gloucester.
30. Goochland.
31. Grayson.
32. Greene.
33. Greenvsille.
34. Halifax.
35. Henrico.
36. Henry.

37. James City.
38. King George.
39. King & Queen.
40. King William.
41. Lancaster.
42. Lee.
43. Louisa.
44. Lunenburg.
45. Madison.
46. Mathews.
47. Nansemond.
48. Nelson.
49. New Kent.
50. Northampton.
51. Northumberland.
52. Nottoway.
53. Orange.
54. Page.
55. Patrick.
56. Powhatan.
57. Prince Edward.
58. Princess Anne.
59. Prince William.
60. Pulaski.
61. Rappahannock.
62. Richmond county.
63. Russell.
64. Smyth.
65. Southampton.
66. Stafford.
67. Surry.
68. Sussex.
69. Spotsylvania.
70. Tazewell.
71. Warren.
72. Warwick.
73. Westmorland.
74. Wise.
75. Wythe.
76. York.
77. Fredericksburg.
78. Manchester.
79. North Danville.
80. Portsmouth.
81. Staunton.
82. Williamsburg.
83. Winchester.

COMMONWEALTH OF VIRGINIA,  
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,  
RICHMOND, VA., November 28, 1884.

A statement showing the counties and cities from which no payments appear from the books of the auditor's office to have been made by the clerks of the circuit courts on account of taxes on law process, &c., for the fiscal year 1882-3.

WM. M. WADDILL, *Clerk.*

1. Albemarle.
2. Alexandria.
3. Amherst.
4. Augusta.
5. Bath.
6. Bedford.
7. Bland.
8. Brunswick.
9. Buchanan.
10. Chesterfield.
11. Campbell.
12. Craig.
13. Culpeper.
14. Cumberland.
15. Dinwiddie.
16. Elizabeth City.
17. Floyd.
18. Franklin.
19. Giles.
20. Gloucester.
21. Goochland.
22. Grayson.
23. Greensville.
24. Henrico.
25. Henry.
26. James City.
27. King George.
28. King & Queen.
29. King William.
30. Lancaster.
31. Madison.
32. Mathews.
33. Mecklenburg.
34. Nansemond.
35. Nelson.
36. New Kent.
37. Northampton.

38. Nottoway.
39. Powhatan.
40. Prince Edward.
41. Prince George.
42. Rappahannock.
43. Richmond county.
44. Scott.
45. Smythe.
46. Spotsylvania.
47. Stafford.
48. Sussex.
49. Warwick.
50. Washington.
51. Wise.
52. York.
53. ———
54. Fredericksburg.
55. Manchester.
56. North Danville.
57. Petersburg.
58. Portsmouth.
59. Staunton.
60. Williamsburg.
61. Winchester.

COMMONWEALTH OF VIRGINIA,  
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,  
RICHMOND, VA., *November 28, 1884.*

A statement showing the counties and cities from which no payments appear from the books of the auditor's office to have been made by the clerks of the county or corporation courts, on account of taxes on law process, &c., for the fiscal years 1881-82.

WM. M. WADDILL, *Clerk.*

1. Accomac.
2. Albemarle.
3. Alexandria county.
4. Alleghany.
5. Amherst.
6. Appomattox.
7. Bath.
8. Bedford.
9. Bland.
10. Brunswick.
11. Buchanan.
12. Buckingham.
13. Caroline.
14. Carroll.
15. Charles City.
16. Craig.
17. Cumberland.
18. Dinwiddie.
19. Essex.
20. Fauquier.
21. Fluvanna.
22. Franklin.
23. Giles.
24. Gloucester.
25. Goochland.
26. Grayson.
27. Greene.
28. Greenville.
29. Henry.
30. James City.
31. King George.
32. King & Queen.
33. King William.
34. Lancaster.
35. Lee.
36. Lunenburg.

37. Madison.
38. Mathews.
39. Middlesex.
40. Nansemond.
41. New Kent.
42. Northampton.
43. Northumberland.
44. Nottoway.
45. Orange.
46. Patrick.
47. Pittsylvania.
48. Powhatan.
49. Prince Edward.
50. Prince George.
51. Princess Anne.
52. Prince William.
53. Rappahannock.
54. Richmond county.
55. Russell.
56. Scott.
57. Smyth.
58. Southampton.
59. Stafford.
60. Surry.
61. Sussex.
62. Warren.
63. Washington.
64. Westmorland.
65. Wythe.
66. York.
67. Danville—City Corporation Court.
68. Fredericksburg—City Corporation Court.
69. North Danville—City Corporation Court.
70. Williamsburg—City Corporation Court.

## COMMONWEALTH OF VIRGINIA.

OFFICE OF AUDITOR OF PUBLIC ACCOUNTS.

RICHMOND, November 28, 1884.

A statement showing the counties and cities from which no payments appear from the books of the auditor's office to have been made by the clerks of county and corporation courts on account of the tax on law process, &c., for the fiscal year 1882-3.

WM. M. WADDILL, *Clerk*.

1. Alexandria county.
2. Bath.
3. Bedford.
4. Bland.
5. Brunswick.
6. Buchanan.
7. Campbell.
8. Craig.
9. Culpeper.
10. Cumberland.
11. Dickenson.
12. Dinwiddie.
13. Fauquier.
14. Floyd.
15. Gloucester.
16. Goochland.
17. Grayson.
18. Greenvsille.
19. Hanover.
20. James City.
21. King George.
22. King & Queen.
23. King William.
24. Lee.
25. Madison.
26. Mathews.
27. Mecklenburg.
28. Nansemond.
29. Nelson.
30. New Kent.
31. Orange.
32. Prince Edward.
33. Princess Anne.
34. Richmond county.
35. Scott.
36. Smythe.

- 37. Stafford.
- 38. Sussex.
- 39. Warwick.
- 40. Washington.
- 41. Wythe.
- 42. York.
- 43. Fredericksburg.
- 44. North Danville.
- 45. Petersburg.
- 46. Williamsburg.

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ERRATUM.

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On page 17, line 4, for "interest" read "entries."  
This correction is ordered by the chairman of the committee.

# INDEX TO HOUSE DOCUMENTS.

## ATTORNEY-GENERAL.

- Report and minority report of special committee in regard to what sums other than his salary has been drawn by the, Doc. No. 5  
 Supplemental report of special committee, Doc. No. 8

## BLACK SCRIP.

- Communication from second auditor relative to, Doc. No. 2

## BURKEVILLE CONNECTION.

- Communication from railroad commissioner relative to, Doc. No. 6

## GOVERNOR.

- Communication from, transmitting report of commissioners to select site for Southwestern lunatic asylum, Doc. No. 3  
 Communication from, relative to Maryland and Virginia oyster interests, Doc. No. 7

## LUNATIC ASYLUMS.

- Communication from governor transmitting report of commissioners to select site for Southwestern lunatic asylum, Doc. No. 3  
 Report of special joint committee to examine, Doc. No. 4

## MARYLAND.

- Communication from governor of Virginia relative to Maryland and Virginia oyster interests, Doc. No. 7

## OYSTERS.

- Communication from governor relative to Maryland and Virginia oyster interests, Doc. No. 7

## RAILROAD COMMISSIONER.

- Communication from, relative to Burkeville connection, Doc. No. 6

## SECOND AUDITOR.

- Communication from, relative to black scrip, Doc. No. 2

## SOUTHWESTERN LUNATIC ASYLUM.

- Communication from Governor transmitting report of commissioners to select site for, Doc. No. 3

## STATE DEPOSITS.

- Communication from treasurer in regard to, Doc. No. 1

## TREASURER.

- Communication from, in regard to state deposits, Doc. No. 1

## VIRGINIA.

- Communication from governor of, relative to Maryland and Virginia oyster interests, Doc. No. 7

















